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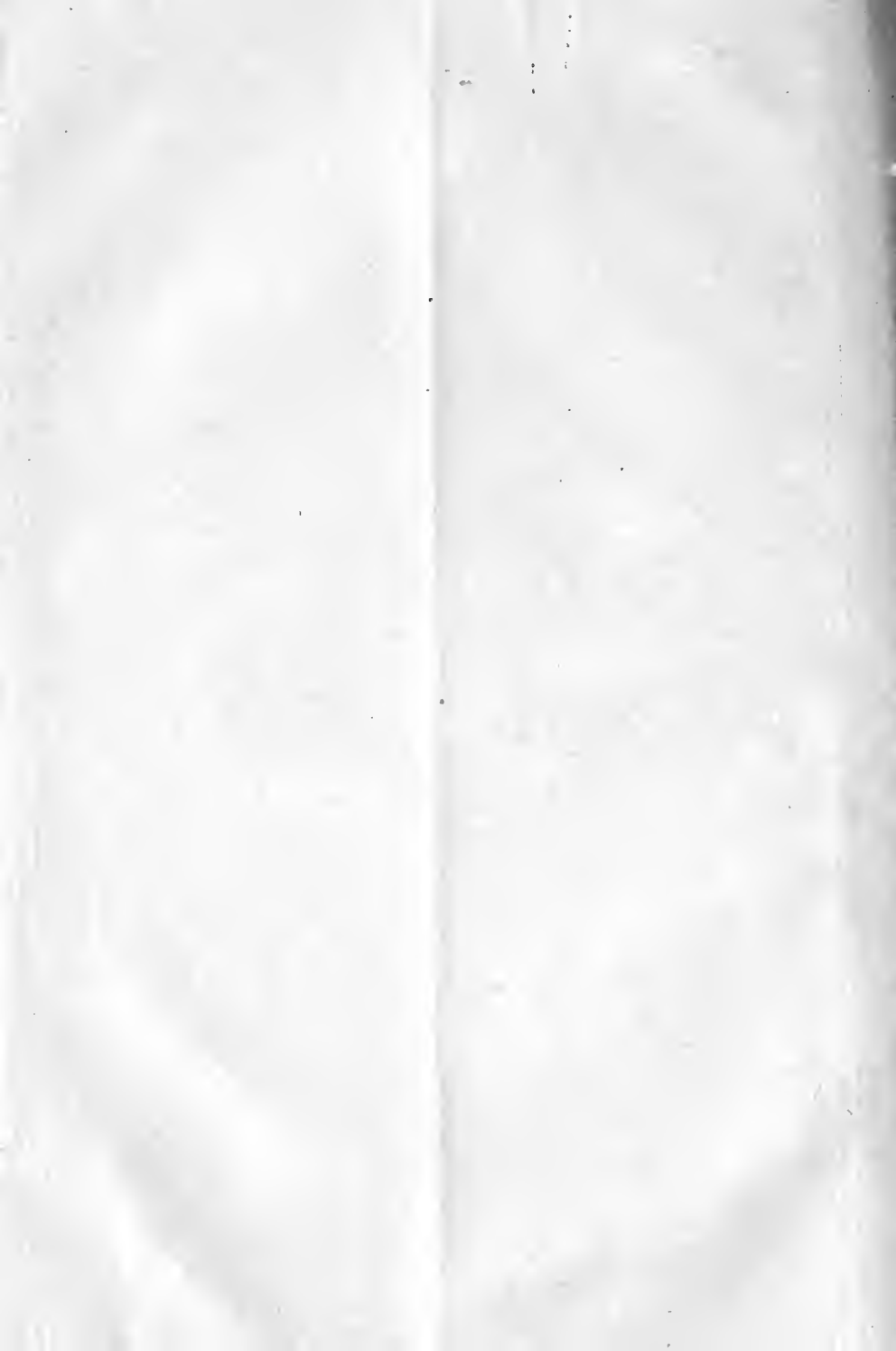
THE  
SOUTHERN PLATFORM:  
OR,  
MANUAL OF SOUTHERN SENTIMENT  
ON THE  
SUBJECT OF SLAVERY.

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BY DANIEL R. GOODLOE,

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BOSTON.  
JOHN P. JEWETT & CO., PUBLISHERS.  
1858.





H. E. BARKER  
*Lincolniana*  
1922 SOUTH HOBART BOULEVARD  
LOS ANGELES, CALIFORNIA

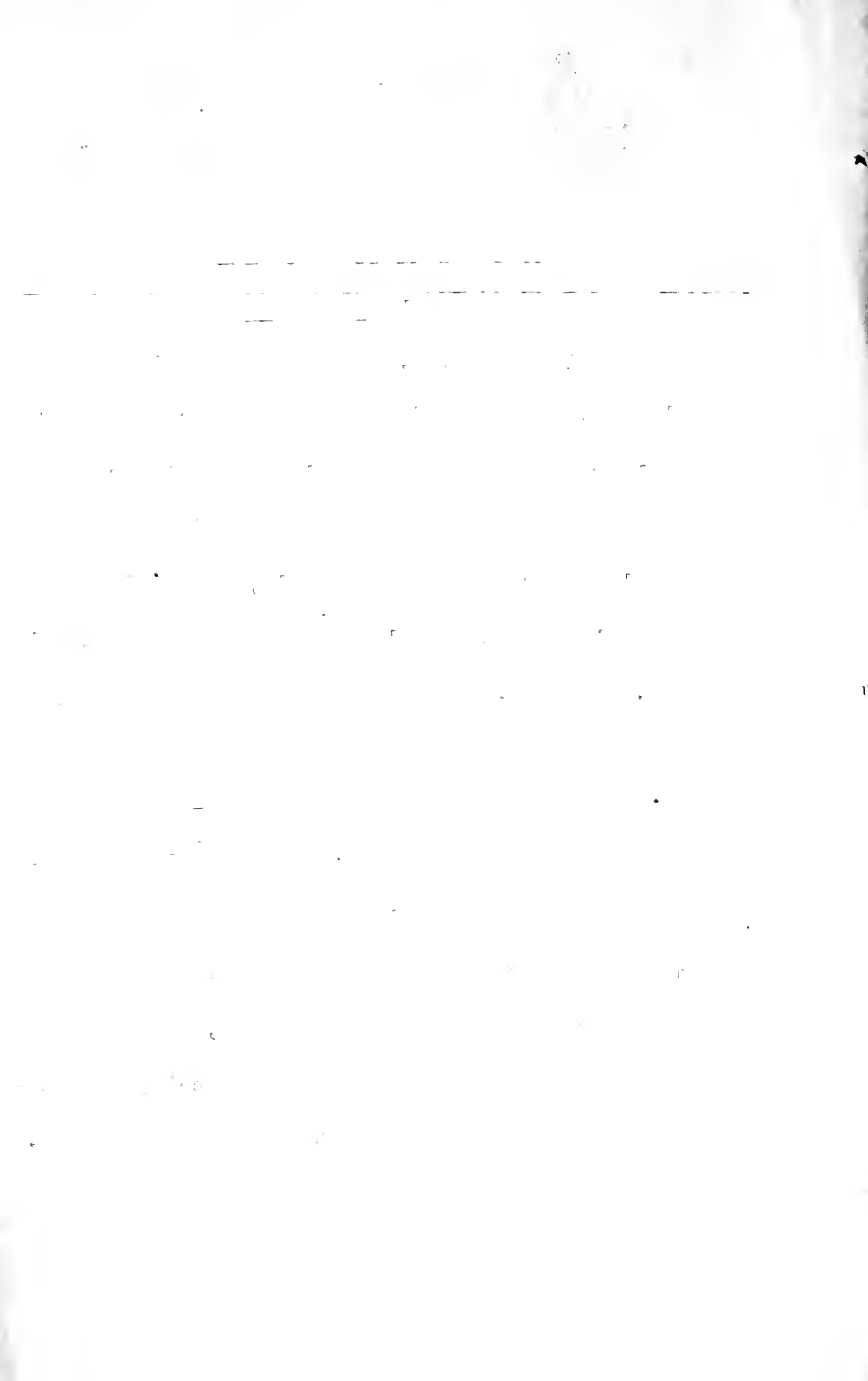


THE SOUTHERN PLATFORM; OR,  
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By Daniel R. Goodloe  
1858.

Writing to Mr. F. G. Tallman of Wilmington, Delaware, on the subject of association books from the library of Abraham Lincoln, I was informed by him that he was the owner of Lincoln's copy of a pamphlet bearing the above title, and having on its title-page the well known autograph "A. Lincoln, Sept. 19, 1858." This he had acquired in 1919, at a cost of \$150.

In Herndon's Lincoln (pages 363-364) the author says: "In addition I purchased all the leading histories of the slavery movement, and other works which treated on that subject. Lincoln himself never bought many books." This, then, must be one of the few books acquired by Lincoln, his signature on its title-page attesting his ownership.

*H. E. Barker*



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# PREFACE.

In the compilation of this volume, I have attempted to bring together all that the most eminent Southern Revolutionary characters have left us in their writings, upon the subject of Slavery. It will be seen that their testimony is almost unanimous against the institution. The leading minds of the South, except those of South Carolina and Georgia, were not less impressed with the evils of Slavery—moral, economical, and political—than those of the North. Indeed, the most ultra Anti-Slavery views which this volume will be found to contain, are those of Mr. Jefferson. In the Federal Convention which framed the Constitution, not a voice was raised in unqualified defence and justification of Slavery, for even the members from South Carolina only apologized for the institution; while those from Maryland, Virginia, and North Carolina, either openly denounced it as criminal and disgraceful, or freely admitted its evils.

In the State Conventions, Slavery was treated with equal disfavor. In those of Virginia and North Carolina, it was reprobated by Federalists and Anti-Federalists—by the friends and the enemies of the Constitution. Patrick Henry and George Mason were not less loud in their denunciations of Slavery, than Madison, Edmund Randolph, and Pendleton. In the North Carolina Conventions, the leading characters were equally emphatic in condemning it.

These invaluable testimonies against Slavery, coming from the highest Southern authorities, will be treasured up by Anti-Slavery men, as indubitable proof of the justice of their cause. But I apprehend that many will feel regret and disappointment on finding that the same great men who reprobated Slavery as an unmitigated evil, were no less strenuous in shielding it from the interference of the Federal Government, than its avowed advocates. I profess to set forth the views of the men of the Revolution upon the question of Slavery, and I must do so fairly and impartially; and, to this end, I have taken nearly every passage from the Madison Papers and Elliott's Debates, in the Federal and State Conventions, which relate to the subject, with extended extracts from the Debates in Congress during the Administration of General Washington.

To denounce Slavery in one breath, and to insist upon constitutional guarantees for its maintenance in the next, may seem inconsistent to the minds of ardent Anti-Slavery men of the present day; but they should recollect that the whole question of State Rights is involved in this one of Slavery, and that to surrender the sovereignty of the States in this instance, is to open the way to consolidation. And, further, allowing Slavery to be an unmitigated evil, as the people of the South generally did at that time, they justly regarded themselves as better qualified to apply the remedy than the people of distant States, who were not particularly interested in the matter. I think that reasonable Anti-Slavery men, upon cool reflection, will concede this point.

My object in making this publication is not to produce sectional feeling, but to awaken in Southern minds those noble and generous sentiments of freedom which animated their ancestors.

When the American people emerged from the war of the Revolution, their commerce and agriculture were in a state of ruin, and the Federation, the States, and individuals, were overwhelmed with debt. It required great faith in the success of the Republican experiment they were making, to foresee the period when these accumulated embarrassments would be removed. All that could be hoped, for many years, was that the Government would be able to meet existing and ordinarily accruing demands upon its exchequer, without incurring further obligations. The patriots of that day, therefore, with every disposition to carry out their principles of freedom and equality to their legitimate results, thought it utterly impracticable to do so. They were induced to adjourn the question of Emancipation to a future day. They anxiously and hopefully looked forward to the period when they could remove what they denominated the "foul blot" of Slavery. This idea pervades the writings of all the great and good men of that time, as this volume abundantly demonstrates.

It is worthy of remark, that at the Revolutionary era, Pennsylvania was a slaveholding State, and consequently the views of Dr. Franklin, Gouverneur Morris, and Mr. Wilson, are properly classed with those of Washington, Jefferson, and Madison. New York was also a slave State at that period, but she was represented in the Federal Convention but a short time, except by Gen. Hamilton, and I have not gone out of my way to hunt up testimonies from that quarter. The views of Mr. Jay are known to have been strongly Anti-Slavery; and, although Gen. Hamilton may have felt less on the subject, he was equally decided in his opposition to the institution. I have diligently sought for everything which Gen. Washington wrote on the subject of Slavery. It will be seen that his judgment and his feelings were decidedly against the institution, whether viewed in the light of morality or political economy. And while he, on all occasions, expressed his strong disapprobation of it, he saw and felt the political necessity of shielding it from unconstitutional encroachment. Without this protection from external and Federal interference, there could be no union among the States, no domestic peace, and, therefore, no security for the National Independence.

The position of Washington on this question would form the true compromise at the present day. His humanity, his benevolence, his sense of justice and expediency were all on the side of Emancipation, at the earliest practicable period; and yet, his fidelity to his political obligations—constrained him, while the institution should last, to maintain the State sovereignty which guarded it from illegal interference.

The views of Mr. Jefferson and Mr. Madison are entirely coincident with those of the Father of his Country on this question. The former has more strongly and pointedly given expression to his abhorrence of Slavery, but he concurred entirely in the necessity of constitutional inhibitions against foreign interference with it. It is but justice to those great men, that their entire positions should be known.

The resolutions adopted at public meetings in Virginia, and by a general Convention at Williamsburg, show that the state of feeling among the people corresponded with that expressed by the eminent men whose writings I have quoted in this work.

I regret that I have been compelled to place the materials of this compilation in the hands of the printer as rapidly as I have gathered them, thereby precluding any methodical arrangement of its parts. The Index, on the last page, however, will obviate any difficulty which might arise from this circumstance.

WASHINGTON, March, 1858.

DANIEL R. GOODLOE.

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# THE SOUTHERN PLATFORM.

The following extracts from the proceedings of public meetings in the Southern States, prior to the Declaration of Independence, show the state of feeling among the people at that period. It will be seen that Washington, Jefferson, and Madison, were little in advance of public opinion on this subject.

## AMERICAN ARCHIVES, FOURTH SERIES, VOLUME I.

### *Prince George's County (Virginia) Resolutions.*

At a general meeting of the Freeholders of Prince George's county, Virginia, the following, among other resolutions, was unanimously adopted:

*Resolved*, That the African trade is injurious to this colony, obstructs the population of it by freemen, prevents manufacturers and other useful emigrants from Europe from settling amongst us, and occasions an annual increase of the balance of trade against this colony.—Page 494.

THEODORICK BLAND,  
*Clerk of the Meeting.*

### *Culpepper County (Virginia) meeting; Henry Pendleton, Esq., Moderator.*

*Resolved*, That the importing slaves and convict servants is injurious to this colony, as it obstructs the population of it with freemen and useful manufacturers, and that we will not buy any such slave or convict servant hereafter to be imported.—Page 523.

JOHN JAMESON, *Clerk.*

### *Nansemond County (Virginia) Resolutions.*

*Resolved*, That the African trade is injurious to this colony, obstructs the population of it by freemen, prevents manufacturers and other useful emigrants from Europe from settling among us, and occasions an annual increase of the balance of trade against this colony.—Page 530.

LEMUEL RIDDICK and BENJAMIN BAKER, Esqrs., sent as delegates to Williamsburg.

### *Caroline County (Virginia) Resolutions.*

*Resolved*, That the African trade is injurious to this colony, obstructs our population by

freemen, manufacturers, and others, who would emigrate from Europe and settle here, and occasions an annual balance of trade against the country; and, therefore, that the purchase of all imported slaves ought to be associated against.—Page 541.

EDMUND PENDLETON and JAMES TAYLOR, delegates.

### *Surry County (Virginia) Resolutions.*

5th. *Resolved*, That, as the population of this colony, with freemen and useful manufacturers, is greatly obstructed by the importation of slaves and convict servants, we will not purchase any such slaves or servants hereafter to be imported.—Page 593.

ALLEN COCKE and NICHOLAS FAULCON, jr., delegates.

### *Fairfax County (Virginia) meeting; George Washington, Esq., presiding; Robert Harrison, gentleman, Clerk.*

*Resolved*, That it is the opinion of this meeting, that, during our present difficulties and distress, no slaves ought to be imported into any of the British colonies on this continent; and we take this opportunity of declaring our most earnest wishes to see an entire stop forever put to such a wicked, cruel, and unnatural trade.—Page 600.

GENERAL WASHINGTON and others, delegates.

### *Address to John Syme and Patrick Henry, by the Freeholders of Hanover County, (Va.)*

The African trade for slaves we consider as most dangerous to virtue and the welfare of this country; we, therefore, most earnestly wish to see it totally discouraged.—Page 616.

JOHN SYME and PATRICK HENRY, delegates.

### *Princess Ann County (Virginia) Resolutions; Anthony Lawson, Esq., Moderator.*

*Resolved*, That our Burgesses be instructed to oppose the importation of slaves and convicts, as injurious to this colony, by preventing the population of it by freemen and useful manufacturers.—Page 641.

THOMAS ABBOTT, *Clerk.*  
*Virginia Convention.*

At a very full meeting of delegates from the different counties in the Colony and Dominion

of *Virginia*, begun in Williamsburg, the first day of *August*, in the year of our Lord 1774, and continued, by several adjournments, to *Saturday*, the 6th of the same month, the following association was unanimously resolved upon and agreed to:

\* \* \* \* \*

2d. We will neither ourselves import, nor purchase any slave or slaves imported by any other person, after the first day of *November* next, either from *Africa*, the *West Indies*, or any other place.

\* \* \* \* \*

For the most trifling reasons, and sometimes for no conceivable reason at all, his Majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the greatest object of desire in those colonies where it was unhappily introduced in their infant state. But, previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from *Africa*. Yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his Majesty's negative; thus preferring the immediate advantages of a few *African* corsairs to the lasting interests of the *American* States, and to the rights of human nature, deeply wounded by this infamous practice. Nay, the single interposition of an interested individual against a law, was scarcely ever known to fail of success, though in the opposite scale were placed the interests of a whole country. That this is so shameful an abuse of a power trusted with his Majesty for other purposes, as, if not reformed, would call for some legal restrictions.—*Pages 636 to 696.*

#### *North Carolina Convention.*

The Journal of the Proceedings of the first Provincial Convention of North Carolina, held at Newbern, on the 24th day of August, A. D. 1774.

*North Carolina, ss.* At a general meeting of deputies of the inhabitants of this province, at *Newbern*, the twenty-fifth day of *August*, in the year of our Lord 1774, appeared for—

Anson County—Mr. Samuel Spencer, Wm. Thomas; Beaufort—Roger Ormond, Thomas Respass, jr.; Bladen—William Salter, Walter Gibson; Bute—William Person, Green Hill; Brunswick—Robert Howe; Bertie—John Campbell; Craven—James Coor, Lemuel Hatch, Joseph Leech, Richard Cogdell; Carteret—William Thompson; Currituck—Solomon Perkins, Nathan Poymer, Samuel Jarvis; Chowan—Samuel Johnston, Thomas Oldham, Thomas Benbury, Thomas Jones, Thomas Hunter; Cumberland—Farquard Campbell, Thos. Rutherford; Chatham—none; Dobbs—Richard Caswell, William McKennie, George Miller, Simon Bright; Duplin—Thomas Gray, Thomas Hicks, James Kenan, William Dickson; Edgecomb—none; Granville—Thomas Person, Memucan Hunt; Guilford—none; Hyde—Rothias Latham, Samuel Smith; Hertford—none; Halifax—Nicholas Long, Willie Jones; Johnston—Needham Bryan, Benjamin

Williams; Mecklenburg—Benjamin Patton; Martin—Edmund Smythwick; New Hanover—John Ashe, William Hooper; Northampton—Allen Jones; Orange—Thomas Hart; Onslow—Wm. Cray; Perquimans—John Harvey, Benjamin Harvey, Andrew Knox, Thomas Harvey, Jno. Whedbee, jr.; Pasquotank—Joseph Jones, Edward Everigin, Joseph Reading; Pitt—John Simpson, Edward Salter; Rowan—Wm. Kenon, Moses Winslow, Samuel Young; Surry—none; Tryon—David Jenkins, Robert Alexander; Tyrrel—Joseph Spruill, Jeremiah Fraser; Wake—none; Newbern—Abner Nash, Isaac Edwards; Edenton—Joseph Hewes; Wilmington—Francis Clayton; for the town of Bath—Wm. Brown; Halifax, John Geddy; Hillsborough—none; Salisbury—none; Brunswick—none; Campbelton—none.

The deputies then proceeded to make choice of a moderator, when Colonel John Harvey was unanimously chosen, and Mr. Andrew Knox appointed clerk.

\* \* \* \* \*

*Resolved*, That we will not import any slave or slaves, or purchase any slave or slaves imported or brought into this province by others, from any part of the world, after the first day of *November* next.—*Page 735.*

*Continental Congress, Philadelphia, October, 20, 1774.*

We do for ourselves, and the inhabitants of the several colonies whom we represent, firmly agree and associate under the sacred ties of Virtue, Honor, and Love of our Country, as follows:

\* \* \* \* \*

2. That we will neither import nor purchase any slave imported after the first day of *December* next; after which time, we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures, to those who are concerned in it.—*Page 914.*

11. That a committee be chosen in every county, city, and town, by those who are qualified to vote for Representatives in the Legislature, whose business it shall be attentively to observe the conduct of all persons touching this association; and when it shall be made to appear to the satisfaction of a majority of any such committee that any person within the limits of their appointment has violated this Association, that such majority do forthwith cause the truth of the case to be published in the *Gazette*, to the end that all such foes to the rights of *British America* may be publicly known, and universally condemned as the enemies of *American* liberty; and thenceforth we respectively will break off all dealings with him or her.—*Page 915.*

14. And we do further agree and resolve, that we will have no trade, commerce, dealings, or intercourse whatsoever, with any colony or province in *North America*, which shall not accede to, or which shall hereafter violate this Association, but will hold them as



unworthy of the rights of freemen, and as inimical to the liberties of this country.

\* \* \* \* \*

The foregoing Association, being determined upon by the Congress, was ordered to be subscribed by the several members thereof; and thereupon we have hereunto set our respective names accordingly.

*In Congress, Philadelphia, October 20, 1774.*

PEYTON RANDOLPH, *President.*

*New Hampshire.*—John Sullivan, Nathaniel Folsom.

*Massachusetts Bay.*—Thomas Cushing, Samuel Adams, John Adams, Robert Treat Payne.

*Rhode Island.*—Stephen Hopkins, Samuel Ward.

*Connecticut.*—Eliphalet Dyer, Roger Sherman, Silas Deane.

*New York.*—Isaac Low, John Alsop, John Jay, James Duane, Philip Livingston, William Floyd, Henry Wisner, Simon Boerum.

*New Jersey.*—James Kinney, William Livingston, Stephen Crane, Richard Smith, John De Hart.

*Pennsylvania.*—Joseph Galloway, John Dickinson, Charles Humphreys, Thomas Mifflin, Edward Biddle, John Morton, George Ross.

*The Lower Counties, New Castle, &c.*—Cæsar Rodney, Thomas McKean, George Read.

*Maryland.*—Matthew Tilghman, Thomas Johnson, jr., William Paca, Samuel Chase.

*Virginia.*—Richard Henry Lee, George Washington, Patrick Henry, jr., Richard Bland, Benjamin Harrison, Edmund Pendleton.

*North Carolina.*—William Hooper, Joseph Hewes, Richard Caswell.

*South Carolina.*—Henry Middleton, Thomas Lynch, Christopher Gadsden, John Rutledge, Edward Rutledge.

*Ordered,* That this Association be committed to the press, and that one hundred and twenty copies be struck off.

*Continental Congress, Friday, October 21, 1774.*

The address to the people of *Great Britain* being brought in, and the amendments directed being made, the same was approved, and is as follows:

To the People of Great Britain, from the Delegates appointed by the several English Colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the Lower Counties on Delaware, Maryland, Virginia, North Carolina, and South Carolina, to consider of their grievances in General Congress, at Philadelphia, September 5th, 1774.

*Friends and Fellow Citizens:* When a nation, led to greatness by the hand of Liberty, and possessed of all the glory that heroism, munificence, and humanity, can bestow, descends to the ungrateful task of forging chains for her friends and children, and, instead of giving support to Freedom, turns advocate for Slavery and Oppression, there is reason to suspect she has either ceased to be virtuous, or been extremely negligent in the appointment of her rulers.—*Pages 914 to 917.*

*Darien (Georgia) Resolutions.*

IN THE DARIEN COMMITTEE, THURSDAY, JANUARY 12, 1775.

5. To show the world that we are not influenced by any contracted or interested motives, but a general philanthropy for all mankind, of whatever climate, language, or complexion, we hereby declare our disapprobation and abhorrence of the unnatural practice of slavery in America, (however the uncultivated state of our country or other specious arguments may plead for it,) a practice founded in injustice and cruelty, and highly dangerous to our liberties, (as well as lives,) debasing part of our fellow-creatures below men, and corrupting the virtue and morals of the rest; and is laying the basis of that liberty we contend for, (and which we pray the Almighty to continue to the latest posterity,) upon a very wrong foundation: We, therefore, resolve at all times to use our utmost endeavors for the manumission of our slaves in this colony, upon the most safe and equitable footing for the masters and themselves.—*Page 1136.*

Association entered into by forty-five of the deputies assembled in Provincial Congress, at Savannah, in Georgia, on the 18th of January, 1775, and by them subscribed on the 23d, when they chose Noble Winberly Jones, Archibald Bullock, and John Houston, Esquires, delegates to represent that Colony in the Continental Congress, to be held in May next.

2d. That we will neither import or purchase any slaves imported from *Africa*, or elsewhere, after the 15th day of *March* next.—*Page 1158.*

\* \* \* \* \*

The foregoing Association, being determined upon by the Congress, was ordered to be subscribed by the several members thereof; and, thereupon, we have hereunto set our respective names accordingly.

*In Congress, Savannah, Georgia, Jan. 23, 1775.*

JOHN GLEN, *Chairman.*

Noble W. Jones, Samuel Farley, Ambrose Wright, Peter Tondee, Thomas Lee, William Young, John McClure, Archibald Bullock, John Houston, Joseph Habersham, George Houston, Edward Telfair, William Gibbons, Peter Bard, D. Zubly, jr., James De Veaux, Joseph Clay, Philip Box, William Owen, George Walton, John Stirk, Isaac Young, Robert Rae, Robert Hamilton, Edmund Bugg, William Glascock, John Germany, L. Marbury, Hugh Middleton, Samuel Germany, John Wreath, Jonathan Cochran, George McIntosh, Raymond Demeer, William Jones, James Cochran, Joseph Gibbons, Francis H. Harris, Samuel Elbert, Henry Jones, William Lord, John Mann, David Lewis, George Wyche.—*Page 1160.*

FROM THE WRITINGS OF WASHINGTON.

*Washington's Will.*

In the name of God, Amen.

I, George Washington, of Mount Vernon, a citizen of the United States, and lately Presi-

dent of the same, do make, ordain, and declare, this instrument, which is written with my own hand, and every page thereof subscribed with my name,\* to be my last will and testament, revoking all others.

*Item.*—Upon the decease of my wife, it is my will and desire that all the slaves whom I hold in my own right, shall receive their freedom. To emancipate them during her life, would, though earnestly wished by me, be attended with such insuperable difficulties, on account of their intermixture by marriage with the dower negroes, as to excite the most painful sensations, if not disagreeable consequences to the latter, while both descriptions are in the occupancy of the same proprietor; it not being in my power, under the tenure by which the dower negroes are held, to manumit them. And whereas, among those who will receive freedom according to this devise, there may be some, who, from old age or bodily infirmities, and others, who, on account of their infancy, will be unable to support themselves, it is my will and desire, that all who come under the first and second description, shall be comfortably clothed and fed by my heirs while they live; and that such of the latter description as have no parents living, or if living, are unable or unwilling to provide for them, shall be bound by the Court until they shall arrive at the age of twenty-five years; and in cases where no record can be produced whereby their ages can be ascertained, the judgment of the Court, upon its own view of the subject, shall be adequate and final. The negroes thus bound, are (by their masters or mistresses) to be taught to read and write, and to be brought up to some useful occupation agreeably to the laws of the Commonwealth of Virginia, providing for the support of orphan and other poor children. And I do hereby expressly forbid the sale or transportation out of the said Commonwealth, of any slave I may die possessed of, under any pretence whatsoever. And I do, moreover, most pointedly and most solemnly enjoin it upon my executors hereafter named, or the survivors of them, to see that this clause respecting slaves, and every part thereof, be religiously fulfilled at the epoch at which it is directed to take place, without evasion, neglect, or delay, after the crops which may then be on the ground are harvested, particularly as it respects the aged and infirm; seeing that a regular and permanent fund be established for their support, as long as there are subjects requiring it; not trusting to the uncertain provision to be made by individuals. And to my mulatto man, *William*, calling himself *William Lee*, I give immediate freedom; or, if he should prefer it, (on account of the accidents which have befallen him, and which have rendered him incapable of walking, or of any active employment,) to remain in the situation he now is, it shall be optional in him to do so; in either

case, however, I allow him an annuity of thirty dollars, during his natural life, which shall be independent of the victuals and clothes he has been accustomed to receive, if he chooses the last alternative; but in full with his freedom, if he prefers the first. And this I give him, as a testimony of my sense of his attachment to me, and for his faithful services during the revolutionary war.—*Vol. i, pp. 569, 570.*

*Extract of a letter to the President of Congress, dated Cambridge, 31st December, 1775.*

It has been represented to me that the free negroes who have served in this army are very much dissatisfied at being discarded. As it is to be apprehended that they may ask employment in the ministerial army, I have presumed to depart from the resolution respecting them, and have given license for their being enlisted. If this is disapproved of by Congress, I will put a stop to it.\*

*Extract of a letter to Henry Laurens (of South Carolina) in Congress.*

MIDDLEBROOK, 20th March, 1779.

The policy of our arming slaves is, in my opinion, a moot point, unless the enemy set the example.† For, should we begin to form battalions of them, I have not the smallest doubt, if the war is to be prosecuted, of their following us in it, and justifying the measure upon our own ground. The contest must then be, who can arm fastest. And where are our arms? Besides, I am not clear, that a discrimination will not render slavery more irksome to those who remain in it. Most of the good and evil things in this life are judged of by comparison; and I fear a comparison in this case will be productive of much discontent in those who are held in servitude. But as this is a subject that has never employed much of my thoughts, these are no more than the first crude ideas that have struck me upon the occasion.

*To Lt. Col. John Laurens (of South Carolina.)*

HEADQUARTERS, 10th July, 1782.

MY DEAR SIR: The post brought me your letter on the 19th of May. I must confess that I am not at all astonished at the failure of

\* At a meeting of the General Officers, previously to the arrival of the committee from Congress in camp, it was unanimously resolved that it was not expedient to enlist slaves in the new army, and, by a large majority, negroes of every description were excluded from enlistment. When the subject was referred to the committee in conference, this decision was confirmed. In regard to free negroes, however, the resolve was not adhered to, and probably for the reason here mentioned by General Washington. Many black soldiers were in the service during all stages of the war.—*Vol. iii, pp. 218, 219.*

† Mr. Laurens had written, March 16th: "Our affairs in the Southern department are more favorable than we had considered them a few days ago; nevertheless, the country is greatly distressed, and will be more so, unless further reinforcements are sent to its relief. Had we arms for three thousand such black men as I could select in Carolina, I should have no doubt of success in driving the British out of Georgia, and subduing East Florida, before the end of July."—*Vol. vi, p. 204.*

\* In the original manuscript, George Washington's name was written at the bottom of every page.

your plan. The spirit of freedom, which at the commencement of this contest would gladly have sacrificed everything to the attainment of its object, has long since subsided, and every selfish passion has taken its place. It is not the public, but private interest which influences the generality of mankind; nor can the Americans any longer boast an exception. Under these circumstances, it would rather have been surprising if you had succeeded; nor will you, I fear, have better success in Georgia.\*

*To the Marquis de Lafayette.—5th April, 1783.*  
[Extract.]

The scheme, my dear Marquis, which you propose as a precedent, to encourage the emancipation of the black people in this country from the state of bondage in which they are held, is a striking evidence of the benevolence of your heart. I shall be happy to join you in so laudable a work; but will defer going into a detail of the business till I have the pleasure of seeing you.—*Vol. viii, pp. 414, 415.*

*To Robert Morris.*

*MOUNT VERNON, 12th April, 1786.*

DEAR SIR: I give you the trouble of this letter at the instance of Mr. Dalby, of Alexandria, who is called to Philadelphia, to attend what he conceives to be a vexatious lawsuit, respecting a slave of his, whom a society of Quakers in the city, formed for such purposes, have attempted to liberate. The merits of this case will, no doubt, appear upon trial. From Mr. Dalby's state of the matter, it should seem, that this society is not only acting repugnantly to justice, so far as its conduct concerns strangers, but in my opinion impolitically with respect to the State, the city in particular, without being able, except in acts of tyranny and oppression, to accomplish its own ends. He says the conduct of this society is not sanctioned by law. Had the case been otherwise, whatever my opinion of the law might have been, my respect for the policy of the State would on this occasion have appeared in my silence; because against the penalties of promulgated laws one may guard, but there is no avoiding the snares of individuals, or of private societies. If the practice of this society, of which Mr. Dalby speaks, is not discountenanced, none of those whose *misfortune* it is to have slaves as attendants, will visit the city, if they can possibly avoid it; because, by so doing, they hazard their property, or they must be at the expense (and this will not al-

ways succeed) of providing servants of another description.

I hope it will not be conceived, from these observations, that it is my wish to hold the unhappy people, who are the subject of this letter, in slavery. I can only say, that there is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of it. But there is only one proper and effectual mode by which it can be accomplished, and that is by legislative authority; and this, as far as my suffrage will go, shall never be wanting.\* But when slaves, who are happy and contented with their present masters, are tampered with, and seduced to leave them; when masters are taken unawares by these practices; when a conduct of this kind begets discontent on one side and resentment on the other; and when it happens to fall on a man whose purse will not measure with that of the society, and he loses his property for want of means to defend it; it is oppression in such a case, and not humanity in any, because it introduces more evils than it can cure.

I will make no apology for writing to you on this subject; for, if Mr. Dalby has not misconceived the matter, an evil exists, which requires a remedy; if he has, my intentions have been good, though I may have been too precipitate in this address. Mrs. Washington joins me in every good and kind wish for Mrs. Morris and your family, and I am.—*Vol. ix, pp. 158-160.*

The benevolence of your heart, my dear Marquis, is so conspicuous on all occasions, that I never wonder at any fresh proofs of it; but your late purchase of an estate in the colony of Cayenne, with a view of emancipating the slaves on it, is a generous and noble proof of your humanity.† Would to God a like spirit might diffuse itself generally into the minds of the people of this country! But I despair of seeing it. Some petitions were presented to the Assembly, at its last session, for the abolition of slavery; but they could scarcely obtain a reading. To set the slaves afloat at once would, I really believe, be productive of much inconvenience and mischief; but by degrees it certainly might, and assuredly ought to be effected; and that, too, by legislative authority.—*Pp. 163, 164.*

*To Charles Pinckney, Governor of South Carolina.—March 17, 1792. [Extract.]*

I must say, that I lament the decision of your Legislature upon the question of import-

\* In writing to Mr. John F. Mercer on this subject, General Washington said: "I never mean, unless some particular circumstance should compel me to it, to possess another slave by purchase, it being among my first wishes to see some plan adopted, by which slavery in this country may be abolished by law."—*September 9, 1786.*

† In a remarkable and very interesting letter, written by Lafayette in the prison of Magdeburg, he said: "I know not what disposition has been made of my plantation at Cayenne; but I hope Madame de Lafayette will take care, that the negroes who cultivate it shall preserve their liberty."—*Sparks's Life of Gouverneur Morris, vol. i. p. 410.*

\* The plan here mentioned, which Colonel Laurens was extremely anxious to carry into effect, was to raise a regiment of black levies in South Carolina. He brought the subject before the Legislature of the State, and pursued it with all his zeal and influence, but the measure was not approved. "It was some consolation, however," said he, "to perceive that truth and philosophy had gained some ground, the suffrages in favor of the measure being twice as numerous as on a former occasion. Some hopes have lately been given me from Georgia; but I fear, when the question is put, we shall be outvoted there with as much disparity as we have been in this country."—*Vol. viii, pp. 322, 323.*

ing slaves after March, 1793. I was in hopes that motives of policy as well as other good reasons, supported by the direful effects of slavery, which at this moment are presented, would have operated to produce a total prohibition of the importation of slaves, whenever the question came to be agitated in any State that might be interested in the measure.\*

This extract from a letter of Washington was first published by Mr. Sumner, in his able constitutional argument on Slavery, delivered August 26th, 1852. Mr. Sumner, in introducing it, said:

While President of the United States, at the close of his administration, Washington sought to recover a slave, who had fled to New Hampshire. His autograph letter to Mr. Whipple, the Collector of Portsmouth, dated at Philadelphia, 28th November, 1796, which I now hold in my hand, and which has never before seen the light, after describing the fugitive, and particularly expressing the desire of "her mistress," Mrs. Washington, for her return, employs the following decisive language:

"I do not mean, however, by this request, 'that such violent measures should be used' AS WOULD EXCITE A MOB OR RIOT, WHICH MIGHT BE THE CASE IF SHE HAS ADHERENTS, OR EVEN UNEASY SENSATIONS IN THE MINDS OF WELL-DISPOSED CITIZENS. Rather than either of these should happen, I would forego her services altogether; and the example also, which is of infinite importance.

"GEORGE WASHINGTON."

Mr. Whipple, in his reply, dated at Portsmouth, December 22, 1796, an autograph copy of which I have, recognises the rule of Washington:

"I will now, sir, agreeably to your desire, send her to Alexandria, *if it be practicable without the consequences which you except—that of exciting a riot or a mob, or creating uneasy sensations in the minds of well-disposed persons.* The first cannot be calculated beforehand; it will be governed by the popular opinion of the moment, or the circumstances that may arise in the transaction. The latter may be sought into and judged of by conversing with such persons without discovering the occasion. So far as I have had opportunity, I perceive that different sentiments are entertained on this subject."

The fugitive never was returned, but lived in freedom to a good old age, down to a very recent period, a monument of the just forbearance of him whom we aptly call the Father of his Country.

\* From Governor Pinckney's letter: "Our Legislature, among other questions, agitated the one respecting the future importation of slaves, as the prohibition expires in March, 1793. Great pains were used to effect a total prohibition; but upon the question being taken in the Senate, it was lost by so decided a majority, that I think we may consider it as certain that this State will, after March, 1793, import as largely as they ever did. It is a decision, upon the policy of which I confess I have my doubts."

## DR. FRANKLIN'S WORKS, VOL. II.

An Address to the Public, from the Pennsylvania Society for promoting the abolition of Slavery, and the relief of free negroes unlawfully held in bondage.

It is with peculiar satisfaction we assure the friends of humanity, that, in prosecuting the design of our association, our endeavors have proved successful, far beyond the most sanguine expectations.

Encouraged by this success, and by the daily progress of that luminous and benign spirit of liberty which is diffusing itself throughout the world, and humbly hoping for the continuance of the divine blessing on our labors, we have ventured to make an important addition to our original plan, and do therefore earnestly solicit the support and assistance of all who can feel the tender emotions of sympathy and compassion, or relish the exalted pleasure of benevolence.

Slavery is such an atrocious debasement of human nature, that its very extirpation, if not performed with solicitous care, may sometimes open a source of serious evils.

The unhappy man, who has long been treated as a brute animal, too frequently sinks beneath the common standard of the human species. The galling chains that bind his body, do also fetter his intellectual faculties, and impair the social affections of his heart. Accustomed to move like a mere machine, by the will of a master, reflection is suspended; he has not the power of choice, and reason and conscience have but little influence over his conduct, because he is chiefly governed by the passion of fear. He is poor and friendless, perhaps worn out by extreme labor, age, and disease.

Under such circumstances, freedom may often prove a misfortune to himself, and prejudicial to society.

Attention to emancipated black people, it is therefore to be hoped, will become a branch of our national policy; but as far as we contribute to promote this emancipation, so far that attention is evidently a serious duty incumbent on us, and which we mean to discharge to the best of our judgment and abilities.

To instruct, to advise, to qualify those who have been restored to freedom, for the exercise and enjoyment of civil liberty, to promote in them habits of industry, to furnish them with employments suited to their age, sex, talents, and other circumstances, and to procure their children an education calculated for their future situation in life—these are the great outlines of the annexed plan, which we have adopted, and which we conceive will essentially promote the public good, and the happiness of these our hitherto too much neglected fellow-creatures.

A plan so extensive cannot be carried into execution without considerable pecuniary resources, beyond the present ordinary funds of the society. We hope much from the generosity of enlightened and benevolent freemen,

and will gratefully receive any donations or subscriptions for this purpose, which may be made to our Treasurer, James Starr, or to James Pemberton, Chairman of our Committee of Correspondence.

Signed, by order of the Society,  
B. FRANKLIN, *President*.  
Philadelphia, November 9, 1789.

*On the Slave Trade.*

Dr. Franklin's name, as President of the Abolition Society, was signed to the memorial presented to the House of Representatives of the United States, on the 12th of February, 1789, praying them to exert the full extent of power vested in them by the Constitution, in discouraging the traffic of the human species. This was his last public act. In the debates to which this memorial gave rise, several attempts were made to justify the trade. In the *Federal Gazette* of March 25th, 1790, there appeared an essay, signed "Historicus," written by Dr. Franklin, in which he communicated a speech, said to have been delivered in the Divan of Algiers, in 1687, in opposition to the prayer of the petition of a sect called *Erika*, or Purists, for the abolition of piracy and slavery. This pretended African speech was an excellent parody of one delivered by Mr. Jackson, of Georgia. All the arguments urged in favor of negro slavery are applied with equal force to justify the plundering and enslaving of Europeans. It affords, at the same time, a demonstration of the futility of the arguments in defence of the slave trade, and of the strength of mind and ingenuity of the author, at his advanced period in life. It furnishes, too, a no less convincing proof of his power of imitating the style of other times and nations, than his celebrated *Parable against Persecution*. And as the latter led many persons to search the Scriptures with a view to find it, so the former caused many persons to search the bookstores and libraries for the work from which it was said to be extracted.—*Dr. Stuber*.

MARCH 23, 1790.\*

*To the Editor of the Federal Gazette:*

SIR: Reading last night in your excellent paper the speech of Mr. Jackson in Congress against their meddling with the affair of slavery, or attempting to mend the condition of the slaves, it put me in mind of a similar one made about one hundred years since, by Sidi Mehemet Ibrahim, a member of the Divan of Algiers, which may be seen in Martin's account of his consulship, anno 1687. It was against granting the petition of the sect called *Erika*, or Purists, who prayed for the abolition of piracy and slavery, as being unjust. Mr. Jackson does not quote it; perhaps he has not seen it. If, therefore, some of its reasonings are to be found in his eloquent speech, it may only show that men's interests and intellects operate and are operated on with surprising

similarity in all countries and climates, whenever they are under similar circumstances. The African's speech, as translated, is as follows:

"*Allah Bismillah, &c., God is great, and Mahomet is his Prophet.*

"Have these *Erika* considered the consequences of granting their petition? If we cease our cruises against the Christians, how shall we be furnished with the commodities their countries produce, and which are so necessary for us? If we forbear to make slaves of their people, who, in this hot climate, are to cultivate our lands? Who are to perform the common labors of our city and in our families? Must we not, then, be our own slaves? And is there not more compassion and more favor due to us, as Mussulmen, than to these Christian dogs? We have now about fifty thousand slaves in and near Algiers. This number, if not kept up by fresh supplies, will soon diminish, and be gradually annihilated. If we then cease taking and plundering the Infidel ships, and making slaves of the seamen and passengers, our lands will become of no value, for want of cultivation; and the rents of houses in the city will sink one-half; and the revenue of Government, arising from its share of prizes, be totally destroyed! And for what? To gratify the whims of a whimsical sect, who would have us not only forbear making more slaves, but even manumit those we have.

"But who is to indemnify their masters for the loss? Will the State do it? Is our Treasury sufficient? Will the *Erika* do it? Can they do it? Or would they, to do what they think justice to the slaves, do a greater injustice to the owners? And if we set our slaves free, what is to be done with them? Few of them will return to their countries; they know too well the greater hardships they must there be subject to; they will not embrace our holy religion; they will not adopt our manners; our people will not pollute themselves by intermarrying with them. Must we maintain them as beggars in our streets, or suffer our properties to be the prey of their pillage? For men accustomed to slavery will not work for a livelihood, when not compelled. And what is there so pitiable in their present condition? Were they not slaves in their own countries?

"Are not Spain, Portugal, France, and the Italian States, governed by despots, who hold all their subjects in slavery, without exception? Even England treats its sailors as slaves, for they are, whenever the Government pleases, seized, and confined in ships of war, condemned not only to work, but to fight, for small wages, or a mere subsistence, not better than our slaves are allowed by us. Is their condition, then, made worse by falling into our hands? No; they have only exchanged one slavery for another, and, I may say, a better—for here they are brought into a land where the sun of Islamism gives forth its light, and shines in full splendor,

\*This paper is dated only twenty four days before the author's death, which happened on the 17th of April following.

'and they have an opportunity of making themselves acquainted with the true doctrine, and thereby saving their immortal souls. Those who remain at home have not that happiness. Sending the slaves home, then, would be sending them out of light into darkness.

"I repeat the question, What is to be done with them? I have heard it suggested that they may be planted in the wilderness, where there is plenty of land for them to subsist on, and where they may flourish as a free State; but they are, I doubt, too little disposed to labor without compulsion, as well as too ignorant to establish a good Government; and the wild Arabs would soon molest and destroy or again enslave them. While serving us, we take care to provide them with everything, and they are treated with humanity. The laborers in their own country are, as I am well informed, worse fed, lodged, and clothed. The condition of most of them is, therefore, already mended, and requires no further improvement. Here their lives are in safety. They are not liable to be impressed for soldiers, and forced to cut one another's Christian throats, as in the wars of their own countries. If some of the religious-mad bigots, who now tease us with their silly petitions, have in a fit of blind zeal freed their slaves, it was not generosity, it was not humanity, that moved them to the action—it was from a conscious burden of a load of sins, and a hope, from the supposed merits of so good a work, to be excused from damnation.

"How grossly are they mistaken to suppose slavery to be disallowed by the Alcoran! Are not the two precepts, to quote no more, '*Masters, treat your slaves with kindness; slaves, serve your masters with cheerfulness and fidelity*,' clear proofs to the contrary? Nor can the plundering of Infidels be in that sacred book forbidden, since it is well known from it, that God has given the world, and all that it contains, to his faithful Mussulmen, who are to enjoy it of right as fast as they conquer it. Let us, then, hear no more of this detestable proposition, the manumission of Christian slaves, the adoption of which would, by depreciating our lands and houses, and thereby depriving so many good citizens of their properties, create universal discontent, and provoke insurrections, to the endangering of Government, and producing general confusion. I have, therefore, no doubt but this wise council will prefer the comfort and happiness of a whole nation of true believers, to the whim of a few *Eriks*, and dismiss their petition."

The result was, as Martin tells us, that the Divan came to this resolution: "The doctrine, that plundering and enslaving the Christians is unjust, is, at best, *problematical*; but that it is the interest of this State to continue the practice, is clear; therefore, let the petition be rejected." And it was rejected accordingly.

And since like motives are apt to produce in the minds of men like opinions and resolutions, may we not, Mr. Brown, venture to predict, from this account, that the petitions to the Parliament of England for abolishing the slave trade, to say nothing of other Legislatures, and the debates upon them, will have a similar conclusion?

I am, sir, your constant reader and humble servant,  
HISTORICUS.

#### MADISON PAPERS.

*From Mr. Jefferson's Minutes of Debates in 1776, on the Declaration of Independence, published with the Madison Papers.*

The clause, too, reprobating the enslaving the inhabitants of Africa was struck out, in compliance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it. Our Northern brethren, also, I believe, felt a little tender under those censures; for, though their people have very few slaves themselves, yet they had been pretty considerable carriers of them to others.—Page 18.

*From Mr. Jefferson's Original Draft of the Declaration of Independence.*

He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty, in the persons of a distant people who never offended him; captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of Infidel Powers, is the warfare of the Christian King of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce; and that this assemblage of horrors might want no fact of distinguished dye, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them—thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another.—Page 24.

*Mr. Jefferson's Report of Debate on Articles of Confederation. 1776.*

"ARTICLE XI. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States assembled, shall be defrayed out of a common treasury, which shall be supplied by the several colonies in proportion to the number of inhabitants, of every age, sex, and quality, (except Indians not paying taxes,) in each colony—a true account of which, distinguishing the white inhabitants, shall be triennially taken and transmitted to the Assembly of the United States."



Mr. Chase moved that the quotas should be paid, not by the number of inhabitants of every condition, but by that of the "white inhabitants." He admitted that taxation should be always in proportion to property; that this was, in theory, the true rule; but that, from a variety of difficulties, it was a rule which could never be adopted in practice. The value of the property in every State could never be estimated justly and equally. Some other measure for the wealth of the State must therefore be devised—some standard referred to—which would be more simple. He considered the number of inhabitants as a tolerably good criterion of property, and that this might always be obtained. He therefore thought it the best mode we could adopt, with one exception only. He observed that negroes are property, and, as such, cannot be distinguished from the lands or personalities held in those States where there are few slaves; that the surplus of profit which a Northern farmer is able to lay by, he invests in cattle, horses, &c.; whereas a Southern farmer lays out that same surplus in slaves. There is no more reason, therefore, for taxing the Southern States on the farmer's head and on his slave's head, than the Northern ones on their farmers' heads and the heads of their cattle; that the method proposed would therefore tax the Southern States according to their numbers and their wealth, conjunctly, while the Northern would be taxed on numbers only; that negroes, in fact, should not be considered as members of the State, more than cattle, and that they have no more interest in it.

Mr. John Adams observed, that the numbers of people were taken by this article as an index of the wealth of the State, and not as subjects of taxation; that, as to this matter, it was of no consequence by what name you called your people—whether by that of freemen or of slaves; that in some countries the laboring poor were called freemen, in others they were called slaves; but that the difference as to the State was imaginary only. What matters it, whether a landlord, employing ten laborers on his farm, gives them annually as much money as will buy them the necessities of life, or gives them those necessities at short hand? The ten laborers add as much wealth annually to the State—increase its exports as much—in the one case as the other. Certainly, five hundred freemen produce no more profits—no greater surplus for the payment of taxes—than five hundred slaves. Therefore, the State in which are the laborers called freemen should be taxed no more than that in which they are called slaves. Suppose, by any extraordinary operation of nature or of law, one-half the laborers of a State could, in one night, be transformed into slaves—would the State be made the poorer, or the less able to pay the taxes? That the condition of the laboring poor in most countries—that of the fishermen, particularly, of the Northern States—is as abject as that of slaves. It is the number of laborers which

produces the surplus for taxation; and numbers, therefore, indiscriminately, are the fair index of wealth; that it is the use of the word "property" here, and its application to some of the people of the State, which produces the fallacy. How does the Southern farmer procure slaves? Either by importation or by purchase from his neighbor. If he imports a slave, he adds one to the number of laborers in his country, and proportionably to its profits and abilities to pay taxes; if he buys from his neighbor, it is only a transfer of a laborer from one farm to another, which does not change the annual produce of the State, and therefore should not change its tax; that if a Northern farmer works ten laborers on his farm, he can, it is true, invest the surplus of ten men's labor in cattle; but so may the Southern farmer, working ten slaves; that a State of one hundred thousand freemen can maintain no more cattle than one of one hundred thousand slaves—therefore, they have no more of that kind of property; that a slave may indeed, from the custom of speech, be more properly called the wealth of his master, and the free laborer might be called the wealth of his employer; but, as to the State, both were equally its wealth, and should therefore equally add to the quota of its tax.

Mr. Harrison proposed, as a compromise, that two slaves should be counted as one freeman. He affirmed that slaves did not do as much work as freemen, and doubted if two effected more than one. That this was proved by the price of labor, the hire of a laborer in Southern Colonies being from £8 to £12, while in the Northern it was generally £24.

Mr. Wilson said, that, if this amendment should take place, the Southern Colonies would have all the benefit of slaves, whilst the Northern ones would bear the burden. That slaves increase the profits of a State, which the Southern States mean to take to themselves; that they also increase the burden of defence, which would, of course, fall so much the heavier on the Northern; that slaves occupy the places of freemen, and eat their food. Dismiss your slaves, and freemen will take their places. It is our duty to lay every discouragement on the importation of slaves; but this amendment would give the *jus trium liberorum* to him who would import slaves. That other kinds of property were pretty equally distributed through all the Colonies; there were as many cattle, horses, and sheep, in the North as the South, and South as the North—but not so as to slaves. That experience has shown that those Colonies have been always able to pay most, which have the most inhabitants, whether they be black or white; and the practice of the Southern Colonies has always been to make every farmer pay poll taxes upon all his laborers, whether they be black or white. He acknowledged, indeed, that freemen work the most; but they consume the most also.

They do not produce a greater surplus for taxation. The slave is neither fed nor clothed

so expensively as a freeman. Again, white women are exempted from labor generally, which negro women are not. In this, then, the Southern States have an advantage, as the article now stands. It has sometimes been said that slavery was necessary, because the commodities they raise would be too dear for market if cultivated by freemen; but now it is said that the labor of the slave is the dearest.

Mr. Payne urged the original resolution of Congress to proportion the quotas of the States to the number of souls.

Dr. Witherspoon was of opinion that the value of lands and houses was the best estimate of the wealth of a nation; and that it was practicable to obtain such a valuation. This is the true barometer of wealth. The one now proposed is imperfect in itself, and unequal between the States. It has been objected that negroes eat the food of freemen, and therefore should be taxed; horses also eat the food of freemen, therefore they should also be taxed. It has been said, too, that in carrying slaves into the estimate of the taxes the State is to pay, we do no more than those States themselves do, who always take slaves into the estimate of the taxes the individual is to pay. But the cases are not parallel. In the Southern Colonies slaves pervade the whole Colony; but they do not pervade the whole continent. That as to the original resolution of Congress, it was temporary only, and related to the moneys heretofore emitted; whereas we are now entering into a new compact, and therefore stand on original ground.

AUGUST 1, 1776.

The question being put, the amendment proposed was rejected by the votes of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, against those of Delaware, Maryland, Virginia, North and South Carolina. Georgia was divided.—*Page 27.*

*Mr. Madison to Joseph Jones.—[Extract.]*

PHILADELPHIA, NOV. 28, 1780.

Yours of the 18th came yesterday. I am glad to find the Legislature persist in their resolution to recruit their line of the army for the war; though, without deciding on the expediency of the mode under their consideration, would it not be as well to liberate and make soldiers at once of the blacks themselves, as to make them instruments for enlisting white soldiers? It would certainly be more consonant with the principles of liberty, which ought never to be lost sight of in a contest for liberty; and, with white officers and a majority of white soldiers, no imaginable danger could be feared from themselves, as there certainly could be none from the effect of the example on those who should remain in bondage—experience having shown that a freedman immediately loses all attachment and sympathy with his former fellow-slaves.

We have enclosed to the Governor a copy of

an act of the Legislature of Connecticut, ceding some of their territorial claims to the United States, which he will doubtless communicate to the Assembly. They reserve the jurisdiction to themselves, and clog the cession with some other conditions which greatly depreciate it, and are the more extraordinary as their title to the land is so convertible a one.—*Page 68.*

*From Mr. Madison's Report of Debates in the Congress of the Confederation.*

FRIDAY, MARCH 28, 1783.

The committee last mentioned reported that two blacks be rated as one freeman.

Mr. Wolcott was for rating them as four to three. Mr. Carroll, as four to one.

Mr. Williamson said he was principled against slavery; and that he thought slaves an encumbrance to society, instead of increasing its ability to pay taxes.

Mr. Higginson, as four to three.

Mr. Rutledge said, for the sake of the object, he would agree to rate slaves as two to one; but he sincerely thought three to one would be a juster proportion.

Mr. Holton, as four to three.

Mr. Osgood said he did not go beyond four to three.

On a question for rating them as three to two, the votes were—New Hampshire, aye; Massachusetts, no; Rhode Island, divided; Connecticut, aye; New Jersey, aye; Pennsylvania, aye; Delaware, aye; Maryland, no; Virginia, no; North Carolina, no; South Carolina, no.

The paragraph was then postponed, by general consent, some wishing for further time to deliberate on it; but it appearing to be the general opinion that no compromise would be agreed to.

After some further discussions on the report—in which the necessity of some simple and practicable rule of apportionment came fully into view—Mr. Madison said that, in order to give a proof of the sincerity of his professions of liberality, he would propose that slaves should be rated as five to three.

Mr. Rutledge seconded the motion.

Mr. Wilson said he would sacrifice his opinion on this compromise.

Mr. Lee was against changing the rule, but gave it as his opinion that two slaves were not equal to one freeman.

On the question for five to three, it was passed in the affirmative:

New Hampshire, aye; Massachusetts, divided; Rhode Island, no; Connecticut, no; New Jersey, aye; Pennsylvania, aye; Maryland, aye; Virginia, aye; North Carolina, aye; South Carolina, aye.

A motion was then made by Mr. Bland, seconded by Mr. Lee, to strike out the clause so amended.

And on the question, "Shall it stand?" it passed in the negative:

Rhode Island, no; Connecticut, no; New Jersey, aye; Pennsylvania, aye; Delaware, no; Maryland, aye; Virginia, aye; North Car-



olina, aye; South Carolina, no; New Hampshire, aye; Massachusetts, no.

So the clause was struck out.

The arguments used by those who were for rating slaves high, were, that the expense of feeding and clothing them was as far below that incident to freemen, as their industry and ingenuity were below those of freemen; and that the warm climate within which the States having slaves lay, compared with the rigorous climate and inferior fertility of the others, ought to have great weight in the case; and that the exports of the former States were greater than of the latter. On the other side, it was said that slaves were not put to labor as young as the children of laboring families; that, having no interest in their labor, they did as little as possible, and omitted every exertion of thought requisite to facilitate and expedite it; that if the exports of the States having slaves exceeded those of the others, their imports were in proportion, slaves being employed wholly in agriculture, not in manufactures; and that, in fact, the balance of trade formerly was much more against the Southern States than the others.

On the main question:

New Hampshire, aye; Massachusetts, no; Rhode Island, no; Connecticut, no; New York, (Mr. Floyd,) aye; New Jersey, aye; Delaware, no; Maryland, aye; Virginia, aye; North Carolina, aye; South Carolina, no.—*Pages 423-425.*

*From Mr. Madison's Report of Debates in the Federal Convention.*

Mr. Madison. We have seen the mere distinction of color made, in the most enlightened period of time, a ground of the most oppressive dominion ever exercised by man over man.—*Page 805.*

Mr. Madison. And, in the third place, where slavery exists, the republican theory becomes still more fallacious.—*Page 899.*

Mr. Madison. But he contended that the States were divided into different interests, not by their difference of size, but by other circumstances; the most material of which resulted partly from climate, but principally from the effects of their having or not having slaves. These two causes concurred in forming the great division of interests in the United States. It did not lie between the large and small States. It lay between the Northern and Southern; and if any defensive power were necessary, it ought to be mutually given to these two interests. He was so strongly impressed with this important truth, that he had been casting about in his mind for some expedient that would answer the purpose. The one which had occurred was, that instead of proportioning the votes of the States in both branches to their respective number of inhabitants, computing the slaves in the ratio of five to three, they should be represented in one branch according to the number of free inhabitants only, and in the other according to the whole number, counting the slaves as free. By this arrangement the Southern scale would

have the advantage in one House, and the Northern in the other. He had been restrained from proposing this expedient by two considerations; one was his unwillingness to urge any diversity of interests on an occasion where it is but too apt to arise of itself; the other was the inequality of powers that must be vested in the two branches, and which would destroy the equilibrium of interests.—*Page 1006.*

Mr. Patterson. He was also against such an indirect encouragement of the slave trade; observing that Congress, in their act relating to the change of the eighth article of Confederation, had been ashamed to use the term "slaves," and had substituted a description.—*Page 1055.*

Mr. King had always expected, that, as the Southern States are the richest, they would not league themselves with the Northern, unless some respect were paid to their superior wealth. If the latter expect those preferential distinctions in commerce, and other advantages which they will derive from the connection, they must not expect to receive them without allowing some advantages in return. Eleven out of thirteen of the States had agreed to consider slaves in the apportionment of taxation; and taxation and representation ought to go together.

Mr. Rutledge moved that New Hampshire be reduced from three to two members. Her numbers did not entitle her to three, and it was a poor State.

General Pinckney seconds the motion.

Mr. King. New Hampshire has probably more than 120,000 inhabitants, and has an extensive country of tolerable fertility. Its inhabitants may therefore be expected to increase fast. He remarked that the four Eastern States, having 800,000 souls, have one-third fewer Representatives than the four Southern States, having not more than 700,000 souls, rating the blacks as five for three. The Eastern people will advert to these circumstances, and be dissatisfied. He believed them to be very desirous of uniting with their Southern brethren, but did not think it prudent to rely so far on that disposition as to subject them to any gross inequality. He was fully convinced that the question concerning a difference of interests did not lie where it had hitherto been discussed, between the great and small States, but between the Southern and Eastern. For this reason he had been ready to yield something in the proportion of Representatives, for the security of the Southern. No principle would justify the giving them a majority. They were brought as near an equality as was possible. He was not averse to giving them a still greater security, but did not see how it could be done.

General Pinckney. The report, before it was committed, was more favorable to the Southern States than as it now stands. If they are to form so considerable a minority, and the regulation of trade is to be given to the General Government, they will be nothing more than

overseers for the Northern States. He did not expect the Southern States to be raised to a majority of Representatives, but wished them to have something like an equality. At present, by the alterations of the committee in favor of the Northern States, they are removed further from it than they were before. One member indeed had been added to Virginia, which he was glad of, as he considered her as a Southern State. He was glad also that the members of Georgia were increased.

Mr. Williamson was not for reducing New Hampshire from three to two, but for reducing some others. The Southern interest must be extremely endangered by the present arrangement. The Northern States are to have a majority in the first instance, and the means of perpetuating it.

Mr. Dayton observed, that the line between Northern and Southern interest had been improperly drawn; that Pennsylvania was the dividing State, there being six on each side of her.

General Pinckney urged the reduction; dwelt on the superior wealth of the Southern States, and insisted on its having its due weight in the Government.

Mr. Gouverneur Morris regretted the turn of the debate. The States, he found, had many representatives on the floor. Few, he feared, were to be deemed the representatives of America. He thought the Southern States have, by the report, more than their share of representation. Property ought to have its weight, but not all the weight. If the Southern States are to supply money, the Northern States are to spill their blood. Besides, the probable revenue to be expected from the Southern States has been greatly over-rated. He was against reducing New Hampshire.

Mr. Randolph was opposed to a reduction of New Hampshire, not because she had a full title to three members, but because it was in his contemplation, first, to make it the duty, instead of leaving it to the discretion of the Legislature, to regulate the representation by a periodical census; secondly, to require more than a bare majority of votes in the Legislature, in certain cases, and particularly in commercial cases.

On the question for reducing New Hampshire from three to two Representatives, it passed in the negative:

North Carolina, South Carolina, aye; 2. Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Georgia, no; 8.—*Pages 1056-1059.*

Mr. Randolph. He urged strenuously that express security ought to be provided for including slaves in the ratio of representation. He lamented that such a species of property existed. But, as it did exist, the holders of it would require this security. It was perceived that the design was entertained by some, of excluding slaves altogether; the Legislature therefore ought not to be left at liberty.—*Page 1083.*

General Pinckney reminded the Convention,

that if the committee should fail to insert some security to the Southern States against an emancipation of slaves, and taxes on exports, he should be bound by duty to his State to vote against their report.—*Page 1187.*

Mr. King wished to know what influence the vote just passed was meant to have on the succeeding part of the report, concerning the admission of slaves into the rule of representation. He could not reconcile his mind to the article, if it was to prevent objections to the latter part. The admission of slaves was a most grating circumstance to his mind, and he believed would be so to a great part of the people of America. He had not made a strenuous opposition to it heretofore, because he had hoped that this concession would have produced a readiness, which had not been manifested, to strengthen the General Government, and to mark a full confidence in it.

The report under consideration had, by the tenor of it, put an end to all those hopes. In two great points, the hands of the Legislature were absolutely tied. The importation of slaves could not be prohibited. Exports could not be taxed. Is this reasonable? What are the great objects of the general system? First, defence against foreign invasion; secondly, against internal sedition. Shall all the States, then, be bound to defend each, and shall each be at liberty to introduce a weakness which will render defence more difficult? Shall one part of the United States be bound to defend another part, and that other part be at liberty not only to increase its own danger, but to withhold the compensation for the burden? If slaves are to be imported, shall not the exports produced by their labor supply a revenue, the better to enable the General Government to defend their masters? There was so much inequality and unreasonableness in all this, that the people of the Northern States could never be reconciled to it. No candid man could undertake to justify it to them. He had hoped that some accommodation would have taken place on this subject; that at least a time would have been limited for the importation of slaves. He never could agree to let them be imported without limitation, and then be represented in the National Legislature. Indeed, he could so little persuade himself of the rectitude of such a practice, that he was not sure he could assent to it, under any circumstances. At all events, either slaves should not be represented, or exports should be taxable.

Mr. Sherman regarded the slave trade as iniquitous; but the point of representation having been settled, after much difficulty and deliberation, he did not think himself bound to make opposition; especially as the present article, as amended, did not preclude any arrangement whatever on that point, in another place of the report.

Mr. Gouverneur Morris moved to insert before "inhabitants" the word "free." Much, he said, would depend on this point. He never would concur in upholding domestic slavery.

It was a nefarious institution. It was the curse of Heaven on the States where it prevailed. Compare the free regions of the Middle States, where a rich and noble cultivation marks the prosperity and happiness of the people, with the misery and poverty which overspread the barren wastes of Virginia, Maryland, and the other States having slaves. Travel through the whole continent, and you behold the prospect continually varying with the appearance and disappearance of slavery. The moment you leave the Eastern States, and enter New York, the effects of the institution become visible. Passing through the Jerseys, and entering Pennsylvania, every criterion of superior improvement witnesses the change. Proceeding southwardly, every step you take through the great regions of slaves presents a desert, increasing with the increasing proportion of these wretched beings. Upon what principle is it that the slaves shall be computed in the representation? Are they men? Then, make them citizens, and let them vote. Are they property? Why, then, is no other property included? The houses in this city (Philadelphia) are worth more than all the wretched slaves who cover the rice swamps of South Carolina. The admission of slaves into the representation, when fairly explained, comes to this: That the inhabitant of Georgia and of South Carolina, who goes to the coast of Africa, and, in defiance of the most sacred laws of humanity, tears away his fellow-creatures from their dearest connections, and damns them to the most cruel bondage, shall have more votes in a Government instituted for the protection of the rights of mankind, than the citizen of Pennsylvania or New Jersey, who views with a laudable horror so nefarious a practice. He would add, that domestic slavery is the most prominent feature in the aristocratic countenance of the proposed Constitution. The vassalage of the poor has ever been the favorite offspring of aristocracy. And what is the proposed compensation to the Northern States, for a sacrifice of every principle of right—of every impulse of humanity? They are to bind themselves to march their militia for the defence of the Southern States—for their defence against those very slaves of whom they complain. They must supply vessels and seamen, in case of foreign attack. The Legislature will have indefinite power to tax them by excises and duties on imports, both of which will fall heavier on them than on the Southern inhabitants, for the Bohea tea used by a Northern freeman will pay more tax than the whole consumption of the miserable slave, which consists of nothing more than his physical subsistence and the rag that covers his nakedness. On the other side, the Southern States are not to be restrained from importing fresh supplies of wretched Africans, at once to increase the danger of attack and the difficulty of defence. Nay, they are to be encouraged to it, by an assurance of having their votes in the National Government increased in proportion; and are, at the same time, to have their exports and

their slaves exempt from all contributions for the public service.

Let it not be said that direct taxation is to be proportioned to representation. It is idle to suppose that the General Government can stretch its hand directly into the pockets of the people, scattered over so vast a country. They can only do it through the medium of exports, imports, and excises. For what, then, are all the sacrifices to be made? He would sooner submit himself to a tax for paying for all the negroes in the United States, than saddle posterity with such a Constitution.

Mr. Dayton seconded the motion. He did it, he said, that his sentiments on the subject might appear, whatever might be the fate of the amendment.

Mr. Sherman did not regard the admission of the negroes into the ratio of representation as liable to such insuperable objections. It was the freemen of the Southern States who were, in fact, to be represented, according to the taxes paid by them, and the negroes are only included in the estimate of the taxes. This was his idea of the matter.

Mr. Pinckney considered the fisheries and the Western frontier as more burdensome to the United States than the slaves. He thought this could be demonstrated, if the occasion were a proper one.

Mr. Wilson thought the motion premature. An agreement to the clause would be no bar to the object of it.

On the question on the motion to insert "free" before "inhabitants"—

New Jersey, aye; 1. New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, no; 10.—*Pp.* 1261 to 1266.

Mr. L. Martin proposed to vary article 7, section 4, so as to allow a prohibition or tax on the importation of slaves. In the first place, as five slaves are to be counted as three freemen, in the apportionment of Representatives, such a clause would leave an encouragement to this traffic. In the second place, slaves weakened one part of the Union, which the other parts were bound to protect; the privilege of importing them was therefore unreasonable. And, in the third place, it was inconsistent with the principles of the Revolution, and dishonorable to the American character, to have such a feature in the Constitution.

Mr. Rutledge did not see how the importation of slaves could be encouraged by this section. He was not apprehensive of insurrections, and would readily exempt the other States from the obligation to protect the Southern against them. Religion and humanity had nothing to do with this question. Interest alone is the governing principle with nations. The true question at present is, whether the Southern States shall or shall not be parties to the Union. If the Northern States consult their interest, they will not oppose the increase of slaves, which will increase

the commodities of which they will become the carriers.

Mr. Ellsworth was for leaving the clause as it stands. Let every State import what it pleases. The morality or wisdom of slavery are considerations belonging to the States themselves. What enriches a part enriches the whole, and the States are the best judges of their particular interest. The old Confederation had not meddled with this point, and he did not see any greater necessity for bringing it within the policy of the new one.

Mr. Pinckney. South Carolina can never receive the plan, if it prohibits the slave trade. In every proposed extension of the powers of Congress, that State has expressly and watchfully excepted that of meddling with the importation of negroes. If the States be all left at liberty on this subject, South Carolina may, perhaps, by degrees, do of herself what is wished, as Virginia and Maryland have already done.

Adjourned.

WEDNESDAY, AUGUST 22.

*In Convention.*—Article 7, section 4, was resumed.

Mr. Sherman was for leaving the clause as it stands. He disapproved of the slave trade; yet, as the States were now possessed of the right to import slaves, as the public good did not require it to be taken from them, and as it was expedient to have as few objections as possible to the proposed scheme of Government, he thought it best to leave the matter as we find it. He observed that the abolition of slavery seemed to be going on in the United States, and that the good sense of the several States would probably, by degrees, complete it. He urged on the Convention the necessity of despatching its business.

Col. Mason. This infernal traffic originated in the avarice of British merchants. The British Government constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the importing States alone, but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the enemy, they would have proved dangerous instruments in their hands. But their folly dealt by the slaves as it did by the Tories. He mentioned the dangerous insurrections of the slaves in Greece and Sicily; and the instructions given by Cromwell to the Commissioners sent to Virginia, to arm the servants and slaves, in case other means of obtaining its submission should fail. Maryland and Virginia, he said, had already prohibited the importation of slaves, expressly. North Carolina had done the same, in substance. All this would be in vain, if South Carolina and Georgia be at liberty to import. The Western people are already calling out for slaves for their new lands, and will fill that country with slaves, if they can be got through South Carolina and Georgia. Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They

prevent the emigration of whites, who really enrich and strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities. He lamented that some of our Eastern brethren had, from a lust of gain, embarked in this nefarious traffic. As to the States being in possession of the right to import, this was the case with many other rights, now to be properly given up. He held it essential, in every point of view, that the General Government should have power to prevent the increase of slavery.

Mr. Ellsworth, as he had never owned a slave, could not judge of the effects of slavery on character. He said, however, that if it was to be considered in a moral light, we ought to go further, and free those already in the country. As slaves also multiply so fast in Virginia and Maryland that it is cheaper to raise than import them, whilst in the sickly rice swamps foreign supplies are necessary, if we go no further than is urged, we shall be unjust towards South Carolina and Georgia. Let us not intermeddle. As population increases, poor laborers will be so plenty as to render slaves useless. Slavery, in time, will not be a speck in our country. Provision is already made in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts. As to the danger of insurrections from foreign influence, that will become a motive to kind treatment of the slaves.

Mr. Pinckney. If slavery be wrong, it is justified by the example of all the world. He cited the cases of Greece, Rome, and other ancient States; the sanction given by France, England, Holland, and other modern States. In all ages, one-half of mankind have been slaves. If the Southern States were let alone, they will probably of themselves stop importation. He would himself, as a citizen of South Carolina, vote for it. An attempt to take away the right, as proposed, will produce serious objections to the Constitution, which he wished to see adopted. Gen. Pinckney declared it to be his firm opinion, that if himself and all his colleagues were to sign the Constitution, and use their personal influence, it would be of no avail towards obtaining the assent of their constituents. South Carolina and Georgia cannot do without slaves. As to Virginia, she will gain by stopping the importations. Her slaves will rise in value, and she has more than she wants. It would be unequal to require South Carolina and Georgia to confederate on such unequal terms. He said the royal assent, before the Revolution, had never been refused to South Carolina, as to Virginia. He contended that the importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ the carrying trade; the more consumption also; and

the more of this, the more revenue for the common treasury. He admitted it to be reasonable that slaves should be duties, like other imports; but should consider a rejection of the clause, as an exclusion of South Carolina from the Union.

Mr. Baldwin had conceived national objects alone to be before the Convention—not such as, like the present, were of a local nature. Georgia was decided on this point. That State has always hitherto supposed a General Government to be the pursuit of the central States, who wished to have a vortex for everything; that her distance would preclude her from equal advantage, and that she could not prudently purchase it by yielding national powers. From this, it might be understood in what light she would view an attempt to abridge one of her favorite prerogatives. If left to herself, she may probably put a stop to the evil. As one ground for this conjecture, he took notice of the sect of —, which he said was a respectable class of people, who carried their ethics beyond the mere equality of men, extending their humanity to the claims of the whole animal creation.

Mr. Wilson observed, that if South Carolina and Georgia were themselves disposed to get rid of the importation of slaves in a short time, as had been suggested, they would never refuse to unite because the importation might be prohibited. As the section now stands, all articles imported are to be taxed. Slaves alone are exempt. This is, in fact, a bounty on that article.

Mr. Gerry thought we had nothing to do with the conduct of the States as to slaves, but ought to be careful not to give any sanction to it.

Mr. Dickinson considered it as inadmissible, on every principle of honor and safety, that the importation of slaves should be authorized to the States by the Constitution. The true question was, whether the national happiness would be promoted or impeded by the importation; and this question ought to be left to the National Government, not to the States particularly interested. If England and France permit slavery, slaves are, at the same time, excluded from both those kingdoms. Greece and Rome were made unhappy by their slaves. He could not believe that the Southern States would refuse to confederate on the account apprehended, especially as the power was not likely to be immediately exercised by the General Government.

Mr. Williamson stated the law of North Carolina on the subject—to wit: that it did not directly prohibit the importation of slaves. It imposed a duty of £5 on each slave imported from Africa, £10 on each from elsewhere, and £50 on each from a State licensing manumission. He thought the Southern States could not be members of the Union, if the clause should be rejected; and that it was wrong to force anything down, not absolutely necessary, and which any State must disagree to.

Mr. King thought the subject should be con-

sidered in a political light only. If two States will not agree to the Constitution, as stated on one side, he could affirm with equal belief, on the other, that great and equal opposition would be experienced from the other States. He remarked on the exemption of slaves from duty, whilst every other import was subjected to it, as an inequality that could not fail to strike the commercial sagacity of the Northern and Middle States.

Mr. Langdon was strenuous for giving the power to the General Government. He could not, with a good conscience, leave it with the States, who could then go on with the traffic, without being restrained by the opinions here given, that they will themselves cease to import slaves.

General Pinckney thought himself bound to declare candidly that he did not think South Carolina would stop her importation of slaves in any short time; but only stop them occasionally, as she now does. He moved to commit the clause, that slaves might be made liable to an equal tax with other imports; which he thought right, and which would remove one difficulty that had been started.

Mr. Rutledge. If the Convention thinks that North Carolina, South Carolina, and Georgia, will never agree to the plan, unless their right to import slaves be untouched, the expectation is vain. The people of those States will never be such fools as to give up so important an interest. He was strenuous against striking out the section, and seconded the motion of General Pinckney for a commitment.

Mr. Gouverneur Morris wished the whole subject to be committed, including the clauses relating to taxes on exports, and to a navigation act. These things may form a bargain among the Northern and Southern States.

Mr. Butler declared that he never would agree to the power taxing exports.

Mr. Sherman said it was better to let the Southern States import slaves than to part with them, if they made that a *sine qua non*. He was opposed to a tax on slaves imported, as making the matter worse, because it implied they were property. He acknowledged that if the power of prohibiting the importation should be given to the General Government, that it would be exercised. He thought it would be its duty to exercise the power.

Mr. Read was for the commitment, provided the clause concerning taxes on exports should also be committed.

Mr. Sherman observed that that clause had been agreed to, and therefore could not be committed.

Mr. Randolph was for committing, in order that some middle ground might, if possible, be found. He could never agree to the clause as it stands. He would sooner risk the Constitution. He dwelt on the dilemma to which the Convention was exposed. By agreeing to the clause, it would revolt the Quakers, the Methodists, and many others in the States having no slaves. On the other hand, two States might be lost to the Union. Let us, then, he

said, try the chances of a commitment.—*Pages 1388 to 1396.*

The report of the committee of eleven (see Friday, the 24th) being taken up—

General Pinckney moved to strike out the words, "the year eighteen hundred;" as the year limiting the importation of slaves; and to insert the words, "the year eighteen hundred and eight."

Mr. Gorham seconded the motion.

Mr. Madison. Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the American character, than to say nothing about it in the Constitution.

On the motion, which passed in the affirmative:

New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina, Georgia, aye; 7. New Jersey, Pennsylvania, Delaware, Virginia, no; 4.

Mr. Gouverneur Morris was for making the clause read at once, "the importation of slaves into North Carolina, South Carolina, and Georgia, shall not be prohibited," &c. This, he said, would be most fair, and would avoid the ambiguity by which, under the power with regard to naturalization, the liberty reserved to the States might be defeated. He wished it to be known, also, that this part of the Constitution was a compliance with those States. If the change of language, however, should be objected to by the members from those States, he should not urge it.

Col. Mason was not against using the term "slaves," but against naming North Carolina, South Carolina, and Georgia, lest it should give offence to the people of those States.

Mr. Sherman liked a description better than the terms proposed, which had been declined by the old Congress, and were not pleasing to some people.

Mr. Clymer concurred with Mr. Sherman.

Mr. Williamson said, that both in opinion and practice he was against slavery; but thought it more in favor of humanity, from a view of all circumstances, to let in South Carolina and Georgia on those terms, than to exclude them from the Union.

Mr. Gouverneur Morris withdrew his motion.

Mr. Dickinson wished the clause to be confined to the States which had not themselves prohibited the importation of slaves; and, for that purpose, moved to amend the clause so as to read: "The importation of slaves into such of the States as shall permit the same, shall not be prohibited by the Legislature of the United States until the year 1808;" which was disagreed to, *nem. con.*

The first part of the report was then agreed to, amended as follows:

"The migration or importation of such persons as the several States now existing shall think proper to admit, shall not be prohibited by the Legislature prior to the year 1808."

New Hampshire, Massachusetts, Connecti-

cut, Maryland, North Carolina, South Carolina, Georgia, aye; 7. New Jersey, Pennsylvania, Delaware, Virginia, no; 4.

Mr. Baldwin, in order to restrain and more explicitly define "the average duty," moved to strike out of the second part the words "average of the duties laid on imports," and insert, "common impost on articles not enumerated;" which was agreed to, *nem. con.*

Mr. Sherman was against this second part, as acknowledging men to be property, by taxing them as such, under the character of slaves.

Mr. King and Mr. Langdon considered this as the price of the first part.

Gen. Pinckney admitted that it was so.

Col. Mason. Not to tax, will be equivalent to a bounty on the importation of slaves.

Mr. Gorham thought that Mr. Sherman should consider the duty not as implying that slaves are property, but as a discouragement to the importation of them.

Mr. Gouverneur Morris remarked that, as the clause now stands, it implies that the Legislature may tax freemen imported.

Mr. Sherman, in answer to Mr. Gorham, observed that the smallness of the duty showed revenue to be the object, not the discouragement of the importation.

MR. MADISON THOUGHT IT WRONG TO ADMIT, IN THE CONSTITUTION, THE IDEA THAT THERE COULD BE PROPERTY IN MEN. THE REASON OF DUTIES DID NOT HOLD, AS SLAVES ARE NOT, LIKE MERCHANDISE, CONSUMED, &c.—*Pages 1427 to 1430.*

Mr. Pinckney, urging the propriety of securing the benefit of the *habeas corpus* in the most ample manner, moved that it should not be suspended but on the most urgent occasions; and then only for a limited time, not exceeding twelve months.

Mr. Rutledge was for declaring the *habeas corpus* inviolate. He did not conceive that a suspension could ever be necessary, at the same time, through all the States.

Mr. Gouverneur Morris moved that "the privilege of the writ of *habeas corpus* shall not be suspended, unless where, in cases of rebellion or invasion, the public safety may require it."

Mr. Wilson doubted whether, in any case, a suspension could be necessary; as the discretion now exists with Judges, in most important cases, to keep in jail or admit to bail.

The first part of Mr. Gouverneur Morris's motion, to the word "unless," was agreed to, *nem. con.* On the remaining part:

New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, aye; 7. North Carolina, South Carolina, Georgia, no; 3.—*Pages 1441-2.*

Article 14 was then taken up.

General Pinckney was not satisfied with it. He seemed to wish some provision should be included in favor of property in slaves.

On the question on article 14:

New Hampshire, Massachusetts, Connecticut,



New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, &c.; 9. South Carolina, no; 1. Georgia, divided.

Mr. Butler and Mr. Pinckney moved to require "fugitive slaves and servants to be delivered up like criminals."

Mr. Wilson. This would oblige the Executive of the State to do it at the public expense.

Mr. Sherman saw no more propriety in the public seizing and surrendering a slave or servant, than a horse.

Mr. Butler withdrew his proposition, in order that some particular provision might be made, apart from this article.—*Pages 1447-8.*

General Pinckney said it was the true interest of the Southern States to have no regulation of commerce; but considering the loss brought on the commerce of the Eastern States by the Revolution, their liberal conduct towards the views \* of South Carolina, and the interest the weak Southern States had in being united with the strong Eastern States, he thought it proper that no fetters should be imposed on the power of making commercial regulations; and that his constituents, though prejudiced against the Eastern States, would be reconciled to this liberality. He had himself, he said, prejudices against the Eastern States before he came here, but would acknowledge that he had found them as liberal and candid as any men whatever.—*Page 1451.*

The report of the committee for striking out section 6, requiring two-thirds of each House to pass a navigation act, was then agreed to, *nem. con.*

Mr. Butler moved to insert, after article 15, "If any person, bound to service or labor in any of the United States, shall escape into another State, he or she shall not be discharged from such service or labor, in consequence of any regulations subsisting in the State to which they escape, but shall be delivered up to the person justly claiming their service or labor;" which was agreed to, *nem. con.*—*Page 1456.*

Mr. Madison moved to postpone the consideration of the amended proposition, in order to take up the following:

"The Legislature of the United States, whenever two-thirds of both Houses shall deem necessary, or on the application of two-thirds of the Legislatures of the several States, shall propose amendments to this Constitution, which shall be valid to all intents and purposes as part thereof, when the same shall have been ratified by three-fourths, at least, of the Legislatures of the several States, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by the Legislature of the United States."

Mr. Hamilton seconded the motion.

Mr. Rutledge said he never could agree to

\* He meant the permission to import slaves. An understanding on the two subjects of navigation and slavery had taken place between those parts of the Union, which explains the vote on the motion depending, as well as the language of General Pinckney and others.

give a power by which the articles relating to slaves might be altered by the States not interested in that property, and prejudiced against it. In order to obviate this objection, these words were added to the proposition:

"Provided, That no amendments which may be made prior to the year 1808 shall in any manner affect the fourth and fifth sections of the seventh article."

The postponement being agreed to,

On the question on the proposition of Mr. Madison and Mr. Hamilton, as amended:

Massachusetts, Connecticut, N. Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, &c.; 9. Delaware, no; 1. New Hampshire, divided.—*Page 1535.*

Article 1, section 2:

On motion of Mr. Randolph, the word "servitude" was struck out, and "service" unanimously inserted—the former being thought to express the condition of slaves, and the latter the obligations of free persons.

Mr. Dickinson and Mr. Wilson moved to strike out "and direct taxes," from article 1, section 2, as improperly placed in a clause relating merely to the constitution of the House of Representatives.

Mr. Gouverneur Morris. The insertion here was in consequence of what had passed on this point—in order to exclude the appearance of counting the negroes in the representation. The including of them may now be referred to the object of direct taxes, and incidentally only to that of representation.

On the motion to strike out "and direct taxes" from this place:

New Jersey, Delaware, Maryland, &c.; 3. New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, no; 8.—*Pages 1569-70.*

Article 4, section 2, (the third paragraph,) the term "legally" was struck out, and the words "under the laws thereof" inserted, after the word "State," in compliance with the wish of some, who thought the term "legal" equivocal, and favoring the idea that slavery was legal in a moral view.—*Page 1589.*

Mr. Sherman expressed his fears that three-fourths of the States might be brought to do things fatal to particular States—as abolishing them altogether, or depriving them of their equality in the Senate. He thought it reasonable that the proviso in favor of the States importing slaves should be extended, so as to provide that no State should be affected in its internal police, or deprived of its equality in the Senate.—*Pages 1590-91.*

Mr. Sherman moved, according to his idea above expressed, to annex to the end of the article a further proviso, "that no State shall, without its consent, be affected in its internal police, or deprived of its equal suffrage in the Senate."

Mr. Madison. Begin with these special provisions, and every State will insist on them, for their boundaries, exports, &c.

On motion of Mr. Sherman:

Connecticut, New Jersey, Delaware, &c.; 3.

New Hampshire, Massachusetts, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, no; 8.—Page 1592.

## ELLIOTT'S DEBATES, VOL. II.

*Debates in Virginia State Convention, called to ratify the Constitution.*

Governor Randolph. I am informed, and I believe rightly, because I derive my information from those whose knowledge is most respectable, that Virginia is in a very unhappy position with respect to the access of foes by sea, though happily situated for commerce. This being her situation by sea, let us look at land. She has frontiers adjoining the States of Pennsylvania, Maryland, and North Carolina. Two of those States have declared themselves members of the Union. Will she be inaccessible to the inhabitants of those States? Cast your eyes to the Western country, that is inhabited by cruel savages, your natural enemies. Besides their natural propensity to barbarity, they may be excited by the gold of foreign enemies to commit the most horrid ravages on your people. Our great and increasing population is one remedy to this evil; but being scattered thinly over so extensive a country, how difficult is it to collect their strength or defend the country. This is one point of weakness. I wish, for the honor of my countrymen, that it was the only one. There is another circumstance which renders us more vulnerable. Are we not weakened by the population of those whom we hold in slavery? The day may come when they may make impression upon us. Gentlemen who have been long accustomed to the contemplation of the subject, think there is a cause of alarm in this case. The number of those people, compared to that of the whites, is in an immense proportion: their number amounts to 236,000, that of the whites only to 352,000.—Pages 80, 81.

Mr. Mason. We are told, in strong language, of dangers to which we will be exposed, unless we adopt this Constitution. Among the rest, domestic safety is said to be in danger. This Government does not attend to our domestic safety. It authorizes the importation of slaves for twenty odd years, and thus continues upon us that nefarious trade. Instead of securing and protecting us, the continuation of this detestable trade adds daily to our weakness. Though this evil is increasing, there is no clause in the Constitution that will prevent the Northern and Eastern States from meddling with our whole property of that kind. There is a clause to prohibit the importation of slaves after twenty years; but there is no provision made for securing to the Southern States those they now possess. It is far from being a desirable property. But it will involve us in great difficulties and infelicity to be now deprived of them. There ought to be a clause in the Constitution, to secure us that property which we have acquired under our

former laws, and the loss of which would bring ruin on a great many people.

Mr. Lee, of Westmoreland. The honorable gentleman abominates it, because it does not prohibit the importation of slaves, and because it does not secure the continuance of the existing slavery! Is it not obviously inconsistent to criminate it for two contradictory reasons? I submit it to the consideration of the gentleman, whether, if it be reprehensible in the one case, it can be censurable in the other. Mr. Lee then concluded, by earnestly recommending to the committee to proceed regularly.—Page 212.

Mr. Pendleton. I am unfortunate enough to differ from the worthy member in another circumstance. He professes himself an advocate for middling and lower classes of men. I profess to be a friend to the equal liberty of all men—from the palace to the cottage—without any other distinction than between good and bad men. I appeal to my public life and private behaviour, to decide whether I departed from this rule. Since distinctions have been brought forth and communicated to the audience, and will be therefore disseminated, I beg gentlemen to take with them this observation, that distinctions have been produced by the opposition. From the friends of the new Government they have heard none. None such are to be found in the organization of the paper before me.

Why bring into the debate the whims of writers—introducing the distinction of well born from others? I consider every man well born who comes into the world with an intelligent mind, and with all his parts perfect. I am an advocate for fixing our Government on true republican principles, giving to the poor man free liberty in his person and property.—Page 212.

Mr. Henry. It is exceedingly painful to me to be objecting, but I must make a few observations. I shall not again review the catalogue of dangers which the honorable gentleman entertained us with. They appear to me absolutely imaginary. They have, in my conception, been proved to be such. But sure I am, that the dangers of this system are real, when those who have no similar interests with the people of this country are to legislate for us—when our dearest interests are left in the power of those whose advantage it may be to infringe them. How will the quotas of troops be furnished? Hated as requisitions are, your Federal officers cannot collect troops like dollars, and carry them in their pockets. You must make those abominable requisitions for them, and the scale will be in proportion to the number of your blacks as well as your whites, unless they violate the constitutional rule of apportionment. This is not calculated to rouse the fears of the people. It is founded in truth. How oppressive and dangerous must this be to the Southern States, who alone have slaves! This will render their proportion infinitely greater than that of the Northern States. It has been openly avowed that this shall be the



rule. I will appeal to the judgments of the committee, whether there be danger.—Pages 240, 241.

Mr. Henry. He told gentlemen that these clauses were sufficient to shake all their implication. For, says he, if Congress had no power but what was given to them, why restrict them by negative words? Is not the clear implication this—that if these restrictions were not inserted, they could have performed what they prohibit? The worthy member had said that Congress ought to have power to protect all, and had given this system the highest encomium; but still insisted that the power over the militia was concurrent. To obviate the fatality of this doctrine, Mr. Henry alleged that it was not reducible to practice. Examine it, says he, reduce it to practice. Suppose an insurrection in Virginia, and suppose there be danger apprehended of an insurrection in another State, from the exercise of the Government; or, suppose a national war, and there be discontent among the people of this State, that produces or threatens an insurrection; suppose Congress, in either case, demands a number of militia, will they not be obliged to go? Where are your reserved rights, when your militia go to a neighboring State? Which call is to be obeyed, the Congressional call, or the call of the State Legislature? The call of Congress must be obeyed. I need not remind this committee, that the sweeping clause will cause their demands to be submitted to. This clause enables them “to make all laws which shall be necessary and proper to carry into execution all the powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.” Mr. Chairman, I will turn to another clause, which relates to the same subject, and tends to show the fallacy of their argument. The tenth section of the first article, to which reference was made by the worthy member, militates against himself. It says, that “no State shall engage in war, unless actually invaded.” If you give this clause a fair construction, what is the true meaning of it? What does this relate to? Not domestic insurrections, but war. If the country be invaded, a State may go to war, but cannot suppress insurrections. If there should happen an insurrection of slaves, the country cannot be said to be invaded. They cannot therefore suppress it, without the interposition of Congress. The fourth section of the fourth article expressly directs, that in case of domestic violence, Congress shall protect the State, on application of the Legislature or Executive; and the eighth section of the first article gives Congress power to call forth the militia, to quell insurrections. There cannot, therefore, be a concurrent power. The State Legislatures ought to have power to call forth the efforts of militia, when necessary. Occasions for calling them out may be urgent, pressing, and instantaneous. The States cannot now call them, let an insurrection be ever so perilous, without an application to Congress. So long a delay may be fatal.—Page 315.

Mr. G. Nicholas. Another worthy member says there is no power in the States to quell an insurrection of slaves. Have they it now? If they have, does the Constitution take it away? If it does, it must be in one of the three clauses which have been mentioned by the worthy member. The first clause gives the General Government power to call them out when necessary. Does this take it away from the States? No; but it gives an additional security; for, beside the power in the State Governments to use their own militia, it will be the duty of the General Government to aid them with the strength of the Union when called for. No part of this Constitution can show that this power is taken away.

But an argument is drawn from that clause which says that “No State shall engage in war unless actually invaded, or in such imminent danger as will not admit of delay? What does this prohibition amount to? It must be a war with a foreign enemy that the States are prohibited from making, for the exception to the restriction proves it. The restriction includes only offensive hostility, as they are at liberty to engage in war when invaded, or in imminent danger. They are therefore not restrained from quelling domestic insurrections, which are totally different from making war with a foreign Power. But the great thing to be dreaded is, that during an insurrection, the militia will be called out from the State. This is his kind of argument. Is it possible that at such a time the General Government would order the militia to be called? It is a groundless objection, to work on gentlemen's apprehensions within these walls. As to the fourth article, it was introduced wholly for the particular aid of the States. A republican form of government is guaranteed, and protection is secured against invasion and domestic violence, on application. Is not this a guard as strong as possible? Does it not exclude the unnecessary interference of Congress in business of this sort?—Page 318.

Sec. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Mr. George Mason. Mr. Chairman, this is a fatal section, which has created more dangers than any other. The first clause allows the importation of slaves for twenty years. Under the Royal Government this evil was looked upon as a great oppression, and many attempts were made to prevent it; but the interest of the African merchants prevented its prohibition. No sooner did the Revolution take place, than it was thought of. It was one of the great causes of our separation from Great Britain. Its exclusion has been a principal object of this State and most of the States in the Union. The augmentation of slaves weakens the States, and such a trade is diabolical in itself and disgraceful to mankind.

Yet, by this Constitution, it is continued for twenty years. As much as I value an union of all the States, I would not admit the Southern States into the Union, unless they agree to the discontinuance of this disgraceful trade, because it would bring weakness and not strength to the Union. And, though this infamous traffic be continued, we have no security for the property of that kind which we have already. There is no clause in this Constitution to secure it; for they may lay such tax as will amount to manumission. And should the Government be amended, still this detestable kind of commerce cannot be discontinued till after the expiration of twenty years; for the fifth article, which provides for amendments, expressly excepts this clause. I have ever looked upon this as a most disgraceful thing to America. I cannot express my detestation of it. Yet they have not secured us the property of the slaves we have already; so that "they have done what they ought not to have done, and have left undone what they ought to have done."

Mr. Madison. Mr. Chairman, I should conceive this clause to be impolitic, if it were one of the things which could be excluded without encountering greater evils. The Southern States would not have entered into the Union of America, without the temporary permission of that trade; and if they were excluded from the Union, the consequences might be dreadful to them and to us. We are not in a worse situation than before. That traffic is prohibited by our laws, and we may continue the prohibition. The Union in general is not in a worse situation. Under the Articles of Confederation it might be continued forever; but by this clause an end may be put to it after twenty years. There is, therefore, an amelioration of our circumstances. A tax may be laid in the mean time; but it is limited, otherwise Congress might lay such a tax as would amount to a prohibition. From the mode of representation and taxation, Congress cannot lay such a tax on slaves as will amount to manumission. Another clause secures us that property which we now possess. At present, if any slave elopes to any of those States where slaves are free, he becomes emancipated by their laws; for the laws of the States are uncharitable to one another in this respect. But in this Constitution, "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." This clause was expressly inserted to enable owners of slaves to reclaim them. This is a better security than any that now exists. No power is given to the General Government to interfere with respect to the property in slaves now held by the States. The taxation of this State being equal only to its representation, such a tax cannot be laid as he supposes. They cannot prevent the importation of slaves for twenty years, but after

that period they can. The gentlemen from South Carolina and Georgia argued in this manner: "We have now liberty to import this species of property, and much of the property now possessed has been purchased or otherwise acquired in contemplation of improving it by the assistance of imported slaves. What would be the consequence of hindering us from it? The slaves of Virginia would rise in value, and we would be obliged to go to your markets." I need not expatiate on this subject. Great as the evil is, a dismemberment of the Union would be worse. If those States should disunite from the other States, for not including them in the temporary continuance of this traffic, they might solicit and obtain aid from foreign Powers.

Mr. Tyler warmly enlarged on the impolicy, iniquity, and disgracefulness, of this wicked traffic. He thought the reasons urged by gentlemen in defence of it were inconclusive and ill-founded. It was one cause of the complaints against British tyranny, that this trade was permitted. The Revolution had put a period to it; but now it was to be revived. He thought nothing could justify it. This temporary restriction on Congress militated, in his opinion, against the arguments of gentlemen on the other side, that what was not given up was retained by the States; for that, if this restriction had not been inserted, Congress could have prohibited the African trade. The power of prohibiting it was not expressly delegated to them; yet they would have had it by implication, if this restraint had not been provided. This seemed to him to demonstrate most clearly the necessity of restraining them, by a bill of rights, from infringing our inalienable rights. It was immaterial whether the bill of rights was by itself, or included in the Constitution. But he contended for it, one way or the other. It would be justified in our own example, and that of England. His earnest desire was, that it should be handed down to posterity, that he had opposed this wicked clause.—*Pages 335, 336.*

Mr. Madison was surprised that any gentleman should return to the clauses which had already been discussed. He begged the gentleman to read the clauses which gave the power of exclusive legislation, and he might see that nothing could be done without the consent of the States. With respect to the supposed operation of what was denominated the sweeping clause, the gentleman, he said, was mistaken; for it only extended to the enumerated powers. Should Congress attempt to extend it to any power not enumerated, it would not be warranted by the clause. As to the restriction in the clause under consideration, it was a restraint on the exercise of a power expressly delegated to Congress, viz: that of regulating commerce with foreign nations.

Mr. Henry insisted that the insertion of these restrictions on Congress was a plain demonstration that Congress should exercise powers by implication. The gentleman had

admitted that Congress could have interdicted the African trade, were it not for this restriction. If so, the power, not having been expressly delegated, must be obtained by implication. He demanded, where, then, was their doctrine of reserved rights? He wished for negative clauses, to prevent them from assuming any powers but those expressly given. He asked why it was omitted to secure us that property in slaves which we hold now? He feared its omission was done with design. They might lay such heavy taxes on slaves as would amount to emancipation, and then the Southern States would be the only sufferers. His opinion was confirmed by the mode of levying money. Congress, he observed, had power to lay and collect taxes, imposts, and excises. Imposts (or duties) and excises were to be uniform. But this uniformity did not extend to taxes. This might compel the Southern States to liberate their negroes. He wished this property, therefore, to be guarded. He considered the clause which had been adduced by the gentleman as a security for this property, as no security at all. It was no more than this—that a runaway negro could be taken up in Maryland or New York. This could not prevent Congress from interfering with that property, by laying a grievous and enormous tax on it, so as to compel owners to emancipate their slaves rather than pay the tax. He apprehended it would be productive of much stock-jobbing, and that they would play into one another's hands in such a manner as that this property would be lost to the country.

Mr. George Nicholas wondered that gentlemen who were against slavery would be opposed to this clause; as, after that period, the slave trade would be done away. He asked if gentlemen did not see the inconsistency of their arguments? They object, says he, to the Constitution, because the slave trade is laid open for twenty odd years; and yet tell you that, by some latent operation of it, the slaves, who are so now, will be manumitted. At the same moment it is opposed for being promotive and destructive of slavery. He contended that it was advantageous to Virginia that it should be in the power of Congress to prevent the importation of slaves after twenty years, as it would then put a period to the evil complained of. As the Southern States would not confederate without this clause, he asked if gentlemen would rather dissolve the Confederacy than to suffer this temporary inconvenience, admitting it to be such? Virginia might continue the prohibition of such importation during the intermediate period, and would be benefitted by it, as a tax of ten dollars on each slave might be laid, of which she would receive a share. He endeavored to obviate the objection of gentlemen, that the restriction on Congress was a proof that they would have power not given them, by remarking that they would only have had a general superintendency of trade, if the restriction had not been inserted. But the Southern States insisted on this exception to that general superintendency for

twenty years. It could not, therefore, have been a power by implication, as the restriction was an exception from a delegated power. The taxes could not, as had been suggested, be laid so high on negroes as to amount to emancipation; because taxation and representation were fixed according to the census established in the Constitution. The exception of taxes from the uniformity annexed to duties and excises, could not have the operation contended for by the gentlemen; because other clauses had clearly and positively fixed the census. Had taxes been uniform, it would have been universally objected to; for no one object could be selected without involving great inconveniences and oppressions. But, says Mr. Nicholas, is it from the General Government we are to fear emancipation? Gentlemen will recollect what I said in another House, and what other gentlemen have said that advocated emancipation. Give me leave to say, that that clause, is a great security for our slave tax. I can tell the committee that the people of our country are reduced to beggary by the taxes on negroes. Had this Constitution been adopted, it would not have been the case. The taxes were laid on all our negroes. By this system, two-fifths are exempted. He then added, that he had imagined gentlemen would not support here what they had opposed in another place.

Mr. Henry replied, that though the proportion of each was to be fixed by the census, and three-fifths of the slaves only were included in the enumeration, yet the proportion of Virginia, being once fixed, might be laid on blacks, and blacks only; for the mode of raising the proportion of each State being to be directed by Congress, they might make slaves the sole object to raise it. Personalities he wished to take leave of; they had nothing to do with the question, which was solely whether that paper was wrong or not.

Mr. Nicholas replied, that negroes must be considered as persons or property. If as property, the proportion of taxes to be laid on them was fixed in the Constitution. If he apprehended a poll tax on negroes, the Constitution had prevented it; for, by the census, where a white man paid ten shillings, a negro paid but six shillings; for the exemption of two-fifths of them reduced it to that proportion.—*Page 337.*

Mr. George Mason said, that gentlemen might think themselves secured by the restriction in the fourth clause, that no capitation or other direct tax should be laid, but in proportion to the census before directed to be taken; but that, when maturely considered, it would be found to be no security whatever. It was nothing but a direct assertion, or mere confirmation, of the clause which fixed the ratio of taxes and representation. It only meant that the quantum to be raised of each State should be in proportion to their numbers, in the manner therein directed; but the General Government was not precluded from laying the proportion of any particular State on any

one species of property they might think proper. For instance, if five hundred thousand dollars were to be raised, they might lay the whole of the proportion of the Southern States on the blacks, or any one species of property; so that, by laying taxes too heavily on slaves, they might totally annihilate that kind of property. No real security could arise from the clause, which provides that persons held to labor in one State, escaping into another, shall be delivered up. This only meant that runaway slaves should not be protected in other States. As to the exclusion of *ex post facto* laws, it could not be said to create any security in this case; for laying a tax on slaves would not be *ex post facto*.

Mr. Madison replied, that even the Southern States, who were most affected, were perfectly satisfied with this provision, and dreaded no danger to the property they now hold. It appeared to him that the General Government would not intermeddle with that property for twenty years, but to lay a tax on every slave imported, not exceeding ten dollars; and that after the expiration of that period, they might prohibit the traffic altogether. The census in the Constitution was intended to introduce equality in the burdens to be laid on the community. No gentleman objected to laying duties, imposts, and excises, uniformly; but uniformity of taxes would be subversive to the principles of equality; for that it was not possible to select any article which would be easy for one State, but what would be heavy for another; that the proportion of each State being ascertained, it would be raised by the General Government in the most convenient manner for the people, and not by the selection of any one particular object; that there must be some degree of confidence put in agents, or else we must reject a state of civil society altogether. Another great security to this property, which he mentioned, was, that five States were greatly interested in that species of property; and there were other States which had some slaves, and had made no attempt or taken any step to take them from the people. There were a few slaves in New York, New Jersey, and Connecticut; these States would probably oppose any attempts to annihilate this species of property. He concluded, by observing that he would be glad to leave the decision of this to the committee.—*Pages 422, 423.*

Mr. Henry. Among ten thousand implied powers which they may assume, they may, if we be engaged in war, liberate every one of your slaves, if they please. And this must and will be done by men, a majority of whom have not a common interest with you. They will, therefore, have no feeling for your interests. It has been repeatedly said here, that the great object of a National Government was national defence. That power which is said to be intended for security and safety, may be rendered detestable and oppressive. If you give power to the General Government to provide for the general defence, the means must be commen-

surate to the end. All the means in the possession of the people must be given to the Government which is intrusted with the public defence. In this State there are 236,000 blacks, and there are many in several other States; but there are few or none in the Northern States; and yet, if the Northern States shall be of opinion that our numbers are numberless, they may call forth every national resource. May Congress not say that *every black man must fight*? Did we not see a little of this last war? We were not so hard pushed as to make emancipation general; but acts of Assembly passed, that every slave who would go to the army should be free. Another thing will contribute to bring this event about: slavery is detested—we feel its fatal effects—we deplore it with all the pity of humanity. Let all these considerations, at some future period, press with full force on the minds of Congress. Let that humanity, which I trust will distinguish America, and the necessity of national defence—let all these things operate on their minds; they will search that paper, and see if they have power of manumission. And have they not, sir? Have they not power to provide for the general defence and welfare? May they not think that these call for the abolition of slavery? May not they pronounce all slaves free, and will they not be warranted by that power? There is no ambiguous implication or logical deduction. The paper speaks to the point. They have the power, in clear, unequivocal terms, and will clearly and certainly exercise it. As much as I deplore slavery, I see that prudence forbids its abolition. I deny that the General Government ought to set them free because a decided majority of the States have not the ties of sympathy and fellow-feeling for those whose interest would be affected by their emancipation. The majority of Congress is to the North, and the slaves are to the South. In this situation, I see a great deal of the property of the people of Virginia in jeopardy, and their peace and tranquillity gone. I repeat it again, that it would rejoice my very soul, that every one of my fellow-beings was emancipated. As we ought, with gratitude, to admire that decree of Heaven which has numbered us among the free, we ought to lament and deplore the necessity of holding our fellow-men in bondage. But is it practicable, by any human means, to liberate them, without producing the most dreadful and ruinous consequences? We ought to possess them in the manner we have inherited them from our ancestors, as their manumission is incompatible with the felicity of the country; but we ought to soften, as much as possible, the rigor of their unhappy fate. I know that, in a variety of particular instances, the Legislature, listening to complaints, have admitted their emancipation. Let me not dwell on this subject. I will only add, that this, as well as every other property of the people of Virginia, is in jeopardy, and put in the hands of those who have no similarity of situation with us. This is a local matter, and I can see no pro-

priety in subjecting it to Congress.—Page 431.

Gov. Randolph. That honorable gentleman [Mr. Henry] and some others have insisted that the abolition of slavery will result from it, and at the same time have complained that it encourages its continuation. The inconsistency proves, in some degree, the futility of their arguments.<sup>1</sup> But if it be not conclusive to satisfy the committee that there is no danger of enfranchisement taking place, I beg leave to refer them to the paper itself. I hope that there is none here who, considering the subject in the calm light of philosophy, will advance an objection dishonorable to Virginia; that at the moment they are securing the rights of their citizens, an objection is started, that there is a spark of hope that those unfortunate men now held in bondage may, by the operation of the General Government, be made free. But if any gentleman be terrified by this apprehension, let him read the system. I ask, and I will ask again and again, till I be answered, (not by declamation,) Where is the part that has a tendency to the abolition of slavery? Is it the clause which says that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808?" This is an exception from the power of regulating commerce, and the restriction is only to continue till 1808. Then Congress can, by the exercise of that power, prevent future importations; but does it affect the existing state of slavery? Were it right here to mention what passed in Convention on the occasion, I might tell you that the Southern States—even South Carolina herself—conceived this property to be secure by these words. I believe, whatever we may think here, that there was not a member of the Virginia delegation who had the smallest suspicion of the abolition of slavery. Go to their meaning. Point out the clause where this formidable power of emancipation is inserted.

But another clause of the Constitution proves the absurdity of the supposition. The words of the clause are: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due." Every one knows that slaves are held to service and labor. And when authority is given to owners of slaves to vindicate their property, can it be supposed they can be deprived of it? If a citizen of this State, in consequence of this clause, can take his runaway slave in Maryland, can it be seriously thought that, after taking him and bringing him home, he could be made free?—Page 437.

Mr. Madison. With respect to the amendments proposed by the honorable gentleman, it ought to be considered how far they are good. As far as they are palpably and insuperably objectionable, they ought to be opposed. One amendment he proposes is, that any army

which shall be necessary, shall be raised by the consent of two-thirds of the States. I most devoutly wish that there, may never be an occasion of having a single regiment. There can be no harm in declaring that standing armies in time of peace are dangerous to liberty, and ought to be avoided, as far as it may be consistent with the protection of the community. But when we come to say that the national security shall depend, not on a majority of the people of America, but that it may be frustrated by less than one-third of the people of America, I ask if this be a safe or proper mode? What part of the United States are most likely to stand in need of this protection? The weak parts, which are the Southern States. Will it be safe to leave the United States at the mercy of one-third of the States, a number which may comprise a very small proportion of the American people? They may all be in that part of America which is least exposed to danger. As far as a remote situation from danger would render exertions for public defence less active, so far the Southern States would be endangered.

The regulation of commerce, he further proposed, should depend on two-thirds of both Houses. I wish I could recollect the history of this matter; but I cannot call it to mind with sufficient exactness. But I well recollect the reasoning of some gentlemen on that subject. It was said, and I believe with truth, that every part of America does not stand in equal need of security. It was observed that the Northern States were most competent to their own safety. Was it reasonable, asked they, that they should bind themselves to the defence of the Southern States, and still be left at the mercy of the minority for commercial advantages? Should it be in the power of the minority to deprive them of this and other advantages, when they are bound to defend the whole Union, it might be a disadvantage for them to confederate.

These were his arguments. This policy of guarding against political inconveniences, by enabling a small part of the community to oppose the Government, and subjecting the majority to a small minority, is fallacious. In some cases, it may be good; in others, it may be fatal. In all cases, it puts it in the power of the minority to decide a question which concerns the majority.

I was struck with surprise when I heard him express himself alarmed with respect to the emancipation of slaves. Let me ask, if they should even attempt it, if it will not be an usurpation of power? There is no power to warrant it, in that paper. If there be, I know it not. But why should it be done? Says the honorable gentleman, for the general welfare; it will infuse strength into our system. Can any member of this committee suppose that it will increase our strength? Can any one believe that the American Councils will come into a measure which will strip them of their property, discourage and alienate the affections of five-thirteenths of the Union?

Why was nothing of this sort aimed at before? I believe such an idea never entered into any American breast, nor do I believe it ever will, unless it will enter into the heads of those gentlemen who substitute unsupported suspicions for reasons.—Page 452.

### ELLIOT'S DEBATES—VOL. III.

*North Carolina State Convention, called to ratify the Constitution.*

First clause of the ninth section read.

Mr. J. McDowall wished to hear the reasons of this restriction.

Mr. Spaight answered, that there was a contest between the Northern and Southern States; that the Southern States, whose principal support depended on the labor of slaves, would not consent to the desire of the Northern States to exclude the importation of slaves absolutely; that South Carolina and Georgia insisted on this clause, as they were now in want of hands to cultivate their lands; that in the course of twenty years they would be fully supplied; that the trade would be abolished then, and that, in the mean time, some tax or duty might be laid on.

Mr. McDowall replied, that the explanation was just such as he expected, and by no means satisfactory to him, and that he looked upon it as a very objectionable part of the system.

Mr. Iredell. Mr. Chairman, I rise to express sentiments similar to those of the gentleman from Craven. For my part, were it practicable to put an end to the importation of slaves immediately, it would give me the greatest pleasure, for it certainly is a trade utterly inconsistent with the rights of humanity, and under which great cruelties have been exercised. When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind and every friend of human nature; but we often wish for things which are not attainable. It was the wish of a great majority of the Convention to put an end to the trade immediately, but the States of South Carolina and Georgia would not agree to it. Consider, then, what would be the difference between our present situation, in this respect, if we do not agree to the Constitution, and what it will be if we do agree to it. If we do not agree to it, do we remedy the evil? No, sir, we do not; for if the Constitution be not adopted, it will be in the power of every State to continue it forever. They may or may not abolish it, at their discretion. But if we adopt the Constitution, the trade must cease after twenty years, if Congress declare so, whether particular States please so or not. Surely, then, we gain by it. This was the utmost that could be obtained. I heartily wish more could have been done. But as it is, this Government is nobly distinguished above others by that very provision. Where is there another country in which such a restriction prevails? We therefore, sir, set an example of humanity, by providing for the abolition of this inhuman traffic, though at a

distant period. I hope, therefore, that this part of the Constitution will not be condemned, because it has not stipulated for what it was impracticable to obtain.

Mr. Spaight further explained the clause: that the limitation of this trade to the term of twenty years, was a compromise between the Eastern States and the Southern States. South Carolina and Georgia wished to extend the term; the Eastern States insisted on the entire abolition of the trade. That the State of North Carolina had not thought proper to pass any law prohibiting the importation of slaves, and therefore its delegation in the Convention did not think themselves authorized to contend for an immediate prohibition of it.

Mr. Iredell added to what he had said before, that the States of Georgia and South Carolina had lost a great many slaves during the war, and that they wished to supply the loss.

Mr. Galloway. Mr. Chairman, the explanation given to this clause does not satisfy my mind. I wish to see this abominable trade put an end to. But in case it be thought proper to continue this abominable traffic for twenty years, yet I do not wish to see the tax on the importation extended to all persons whatsoever. Our situation is different from the people to the North. We want citizens; they do not. Instead of laying a tax, we ought to give a bounty to encourage foreigners to come among us. With respect to the abolition of slavery, it requires the utmost consideration. The property of the Southern States consists principally of slaves. If they mean to do away slavery altogether, this property will be destroyed. I apprehend it means to bring forward manumission. If we must manumit our slaves, what country shall we send them to? It is impossible to be happy, if, after manumission, they are to stay among us.

Mr. Iredell. Mr. Chairman, the worthy gentleman, I believe, has misunderstood this clause, which runs in the following words: "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." Now, sir, observe that the Eastern States, who long ago have abolished slavery, did not approve of the expression, slaves; they therefore used another that answered the same purpose. The committee will observe the distinction between the two words, migration and importation. The first part of the clause will extend to persons who come into the country as free people, or are brought as slaves; but the last part extends to slaves only. The word migration refers to free persons; but the word importation refers to slaves, because free people cannot be said to be imported. The tax, therefore, is only to be laid on slaves, who are imported, and not on free persons, who migrate. I further beg leave to say, that the gentleman is mistaken in another thing. He seems to say that this extends to the abolition of sla-



very. Is there anything in this Constitution which says that Congress shall have it in their power to abolish the slavery of those slaves who are now in the country? Is it not the plain meaning of it, that after twenty years they may prevent the future importation of slaves? It does not extend to those now in the country. There is another circumstance to be observed. There is no authority vested in Congress to restrain the States, in the interval of twenty years, from doing what they please. If they wish to inhibit such importation, they may do so. Our next Assembly may put an entire end to the importation of slaves.—Pages, 96, 97, 98.

Article fourth. The first section, and two first clauses of the second section, read without observation.

The last clause read.

Mr. Iredell begged leave to explain the reason of this clause. In some of the Northern States they have emancipated all their slaves. If any of our slaves, said he, go there, and remain there a certain time, they would, by the present laws, be entitled to their freedom, so that their masters could not get them again. This would be extremely prejudicial to the inhabitants of the Southern States, and, to prevent it, this clause is inserted in the Constitution. Though the word slave be not mentioned, this is the meaning of it. The Northern delegates, owing to their particular scruples on the subject of slavery, did not choose the word slave to be mentioned.—Page 157.

Mr. Iredell. It is, however, to be observed, that the first and fourth clauses in the ninth section of the first article are protected from any alteration till the year 1808; and in order that no consolidation should take place, it is provided that no State shall, by any amendment or alteration, be ever deprived of an equal suffrage in the Senate, without its own consent. The two first prohibitions are with respect to the census, according to which direct taxes are imposed, and with respect to the importation of slaves. As to the first, it must be observed that there is a material difference between the Northern and Southern States. The Northern States have been much longer settled and are much fuller of people, than the Southern, but have not land in equal proportion, nor scarcely any slaves. The subject of this article was regulated with great difficulty, and by a spirit of concession which it would not be prudent to disturb for a good many years. In twenty years there will probably be a great alteration, and then the subject may be considered with less difficulty and greater coolness. In the mean time, the compromise was upon the best footing that could be obtained. A compromise likewise took place in regard to the importation of slaves. It is probable that all the members reprobated this inhuman traffic, but those of South Carolina and Georgia would not consent to an immediate prohibition of it; one reason of which was, that during the last war they lost a vast number of negroes, which loss they wish to

supply. In the mean time, it is left to the States to admit or prohibit the importation, and Congress may impose a limited duty upon it.—Page 158.

*Debates in the Pennsylvania State Convention, called to ratify the Constitution.*

Mr. Wilson. Much fault has been found with the mode of expression used in the first clause of the ninth section of the first article. I believe I can assign a reason why that mode of expression was used, and why the term slave was not admitted in this Constitution. And as to the manner of laying taxes, this is not the first time that the subject has come into the view of the United States, and of the Legislatures of the several States. The gentleman [Mr. Findley] will recollect that in the present Congress the quota of the Federal debt and general expenses was to be in proportion to the value of land, and other enumerated property, within the States. After trying this for a number of years, it was found, on all hands, to be a mode that could not be carried into execution. Congress was satisfied of this, and in the year 1783 recommended, in conformity with the powers they possessed under the Articles of Confederation, that the quota should be according to the number of free people, including those bound to servitude, and excluding Indians not taxed. These were the expressions used in 1783, and the fate of this recommendation was similar to all their other resolutions. It was not carried into effect, but it was adopted by no fewer than eleven out of thirteen States; and it cannot be but matter of surprise to hear gentlemen, who agreed to this very mode of expression at that time, come forward and state it as an objection on the present occasion. It was natural, sir, for the late Convention to adopt the mode after it had been agreed to by eleven States; and to use the expression which they found had been received as unexceptionable before. With respect to the clause restricting Congress from prohibiting the migration or importation of such persons as any of the States now existing shall think proper to admit prior to the year 1808, the honorable gentleman says that this clause is not only dark, but intended to grant to Congress, for that time, the power to admit the importation of slaves. No such thing was intended; but I will tell you what was done—and it gives me high pleasure that so much was done. Under the present Confederation, the States may admit the importation of slaves as long as they please; but by this article, after the year 1808 the Congress will have power to prohibit such importation, notwithstanding the disposition of any State to the contrary. I consider this as laying the foundation for banishing slavery out of this country; and though the period is more distant than I could wish, yet it will produce the same kind, gradual change which was pursued in Pennsylvania. It is with much satisfaction I view this power in the General Government, whereby they may lay an interdiction on this reproachful trade; but an im-

mediate advantage is also obtained, for a tax or duty may be imposed on such importation, not exceeding ten dollars for each person. And this, sir, operates as a partial prohibition. It was all that could be obtained—I am sorry it was no more; but from this, I think there is reason to hope that yet a few years, and it will be prohibited altogether; and in the mean time the new States which are to be formed will be under the control of Congress in this particular, and slaves will never be introduced amongst them. The gentleman says that it is unfortunate in another point of view—it means to prohibit the introduction of white people from Europe, as this tax may deter them from coming among us. A little impartiality and attention will discover the care that the Convention took in selecting their language. The words are: “The migration or importation of such persons, &c., shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation.” It is observable, here, that the term migration is dropped when a tax or duty is mentioned, so that Congress have power to impose the tax only on those imported.—*Pages 250, 251.*

*Debates in the South Carolina State Convention, called to ratify the Constitution.*

General Pinckney. The numbers in the different States, according to the most accurate accounts we could obtain, were—

In New Hampshire, 102,000; Massachusetts, 360,000; Rhode Island, 58,000; Connecticut, 202,000; New York, 238,000; New Jersey, 138,000; Pennsylvania, 360,000; Delaware, 37,000; Maryland, (including three-fifths of 80,000 negroes,) 218,000; Virginia, (including three-fifths of 280,000 negroes,) 420,000; North Carolina, (including three-fifths of 60,000 negroes,) 200,000; South Carolina, (including three-fifths of 80,000 negroes,) 150,000; Georgia, (including three-fifths of 20,000 negroes,) 90,000.

The first House of Representatives will consist of sixty-five members; South Carolina will send five of them. Each State has the same representation in the Senate that she has at present; so that South Carolina will have, under the new Constitution, a thirtieth share in the Government, which is the proportion she has under the old Confederation; and when it is considered that the Eastern States are full of men, and that we must necessarily increase rapidly to the southward and southwestward, he did not think that the Southern States will have an inadequate share in the representation. The honorable gentleman alleges that the Southern States are weak. I sincerely agree with him; we are so weak that, by ourselves, we could not form a union strong enough for the purpose of effectually protecting each other. Without union with the other States, South Carolina must soon fall. Is there any one among us so much a Quixote as to suppose that this State could long maintain her independence if she stood alone, or was only connected with the Southern States? I

scarcely believe there is. Let an invading Power send a naval force into the Chesapeake, to keep Virginia in alarm, and attack South Carolina with such a naval and military force as Sir Henry Clinton brought here in 1780, and, though they might not soon conquer us, they would certainly do us an infinite deal of mischief; and if they considerably increased their numbers, we should probably fall. As, from the nature of our climate and the fewness of our inhabitants, we are undoubtedly weak, should we not endeavor to form a close union with the Eastern States, who are strong? And ought we not to endeavor to increase that species of strength which will render them of most service to us, both in peace and war? I mean their navy. We certainly ought; and by doing this, we render it their peculiar interest to afford us every assistance in their power, as every wound that we receive will eventually affect them. Reflect, for a moment, on the situation of the Eastern States—their country full of inhabitants, and so impracticable to an invading enemy by their numberless stone walls, and a variety of other circumstances, that they can be under no apprehension of danger from an attack. They can enjoy their independence without our assistance. If our Government is to be founded on equal compact, what inducement can they possibly have to be united with us, if we do not grant them some privileges with regard to their shipping? Or, supposing they were to unite with us without having these privileges, can we flatter ourselves that such a union would be lasting, or that they would afford us effectual assistance when invaded? Interest and policy both concurred in prevailing upon us to submit the regulation of commerce to the General Government; but I will also add, justice and humanity require it, likewise; for, who have been the greatest sufferers in the Union, by our obtaining our independence? I answer, the Eastern States; they have lost everything but their country and their freedom. It is notorious that some ports to the eastward, which used to fit out one hundred and fifty sail of vessels, do not now fit out thirty; that their trade of ship building, which used to be very considerable, is now annihilated; that their fisheries are trifling, and their mariners in want of bread. Surely we are called upon, by every tie of justice, friendship, and humanity, to relieve their distresses; and as, by their exertions, they have assisted us in establishing our freedom, we should let them, in some measure, partake of our prosperity. The General then said he would make a few observations on the objections which the gentleman had thrown out on the restrictions that might be laid on the African trade after the year 1808. On this point your delegates had to contend with the religious and political prejudices of the Eastern and Middle States, and with the interested and inconsistent opinion of Virginia, who was warmly opposed to our importing more slaves. I am of the same opinion now as I was two years ago, when I



used the expressions the gentleman has quoted, that while there remained one acre of swamp land uncleared, of South Carolina, I would raise my voice against restricting the importation of negroes. I am as thoroughly convinced as that gentleman is, that the nature of our climate, and the flat, swampy situation of our country, obliges us to cultivate our lands with negroes; and that, without them, South Carolina would soon be a desert waste. You have so frequently heard my sentiments on this subject, that I need not now repeat them. It was alleged by some of the members who opposed an unlimited importation, that slaves increased the weakness of any State who admitted them; that they were a dangerous species of property, which an invading enemy could easily turn against ourselves and the neighboring States; and that as we were allowed a representation for them in the House of Representatives, our influence in Government would be increased in proportion as we were less able to defend ourselves. "Show some period," said the members from the Eastern States, "when it may be in our power to put a stop, if we please, to the importation of this weakness, and we will endeavor, for your convenience, to restrain the religious and political prejudices of our people on this subject." *The Middle States and Virginia made us no such proposition; they were for an immediate and total prohibition.* We endeavored to obviate the objections that were made, in the best manner we could, and assigned reasons for our insisting on the importation, which there is no occasion to repeat, as they must occur to every gentleman in the house. A committee of the States was appointed, in order to accommodate this matter; and, after a great deal of difficulty, it was settled on the footing recited in the Constitution.

By this settlement we have secured an unlimited importation of negroes for twenty years; nor is it declared that the importation shall be then stopped; it may be continued. We have a security that the General Government can never emancipate them, for no such authority is granted, and it is admitted on all hands that the General Government has no powers but what are expressly granted by the Constitution, and that all rights not expressed were reserved by the several States. We have obtained a right to recover our slaves in whatever part of America they may take refuge, which is a right we had not before. In short, considering all circumstances, we have made the best terms for the security of this species of property it was in our power to make. We would have made better if we could; but, on the whole, I do not think them bad.—*Pages 355—357.*

C. Pinckney. Those who are acquainted with the Eastern States, the reason of their original migration, and their pursuits, habits, and principles, well know that they are essentially different from those of the Middle and Southern States; that they retain all those opinions respecting religion and government which first induced their ancestors to cross

the Atlantic; and that they are, perhaps, more purely republican in habits and sentiment than any other part of the Union. The inhabitants of New York and the eastern part of New Jersey, originally Dutch settlements, seem to have altered less than might have been expected in the course of a century; indeed, the greatest part of New York may still be considered as a Dutch settlement—the people in the interior country generally using that language in their families, and having very little varied their ancient customs. Pennsylvania and Delaware are nearly one-half inhabited by Quakers, whose passive principles upon questions of Government, and rigid opinions in private, render them extremely different from the citizens either of the Eastern or Southern States. Maryland was originally a Roman Catholic colony, and a great number of their inhabitants, some of them the most wealthy and cultivated, are still of this persuasion; it is unnecessary for me to state the striking difference in sentiment and habit which must always exist between the Independents of the East, the Calvinists and Quakers of the Middle States, and the Roman Catholics of Maryland; but striking as this is, it is not to be compared with the difference that there is between the inhabitants of Northern and Southern States; when I say Southern, I mean Maryland and the States to the southward of her; here we may truly observe that nature has drawn as strong marks of distinction in the habits and manners of the people as she has in her climates and productions. The Southern citizen beholds with a kind of surprise the simple manners of the East, and is too often induced to entertain undeserved opinions of the apparent purity of the Quaker; while they, in their turn, seem concerned at what they term the extravagance and dissipation of their Southern friends, and reprobate, as an unpardonable moral and political evil, the dominion they hold over a part of the human race. The inconveniences which too frequently attend these differences in habits and opinions among the citizens that compose the Union, are not a little increased by the variety of their State Governments; for, as I have already observed, the Constitution or laws under which a people live never fail to have a powerful effect upon their manners. We know that all the States have adhered in their forms to the republican principle, though they have differed widely in their opinions of the mode best calculated to preserve it.—*Pages 386, 387.*

#### EXTRACTS FROM JEFFERSON'S NOTES ON VIRGINIA.

*Boston Edition, 1832.*

Under the mild treatment our slaves experience, and their wholesome though coarse food, this blot in our country increases as fast or faster than the whites. During the Regal Government, we had at one time obtained a law, which imposed such a duty on the importation of slaves as amounted nearly to a pro-

hibition, when one inconsiderate Assembly, placed under a peculiarity of circumstance, repealed the law. This repeal met a joyful sanction from the then sovereign, and no devices, no expedients, which could ever after be attempted by subsequent Assemblies—and they seldom met without attempting them—could succeed in getting the royal assent to a renewal of the duty. In the very first session held under the Republican Government, the Assembly passed a law for the perpetual prohibition of the importation of slaves. This will, in some measure, stop the increase of this great political and moral evil, while the minds of our citizens may be ripening for a complete emancipation of human nature.—Page 93.

Many of the laws which were in force during the monarchy, being relative merely to that form of Government, or inculcating principles inconsistent with republicanism, the first Assembly which met after the establishment of the Commonwealth, appointed a committee\* to revise the whole code—to reduce it into proper form and volume, and report it to the Assembly. This work has been executed by three gentlemen, and reported, but probably will not be taken up till a restoration of peace shall leave to the Legislature leisure to go through such a work.

They proposed the following, among other alterations:

To emancipate all slaves born after passing the act. The bill reported by the revisors does not itself contain this proposition, but an amendment containing it was prepared, to be offered to the Legislature whenever the bill should be taken up; and further directing that they should continue with their parents to a certain age, then be brought up, at the public expense, to tillage, arts, or sciences, according to their geniuses, till the females should be eighteen and the males twenty-one years of age, when they should be colonized to such place as the circumstances of the time should render most proper, sending them out with arms, implements of household and of the handicraft arts, seeds, pairs of the useful domestic animals, &c., to declare them a free and independent people, and extend to them our alliance and protection, till they have acquired strength; and to send vessels at the same time to other parts of the world, for an equal number of white inhabitants; to induce whom to migrate hither, proper encouragements were to be proposed. It will probably be asked, Why not retain and incorporate the blacks into the State, and thus save the expense of supplying, by importation of white settlers, the vacancies they will leave? Deep-rooted prejudices entertained by the whites, ten thousand recollections by the blacks of the injuries they have sustained, new provocations, the real distinctions which nature has made, and many other circumstances, will divide us into parties, and produce convulsions, which will prob-

ably never end but in the extermination of the one or the other race.—Pages 142—144.

Whether further observation will or will not verify the conjecture, that nature has been less bountiful to them in the endowments of the head, I believe that in those of the heart she will be found to have done them justice. That disposition to theft with which they have been branded must be ascribed to their situation, and not to any depravity of the moral sense. The man in whose favor no laws of property exist, probably feels himself less bound to respect those made in favor of others. When arguing for ourselves, we lay it down as a fundamental, that laws, to be just, must give a reciprocation of right; that, without this, they are mere arbitrary rules of conduct, founded in force, and not in conscience; and it is a problem which I give to the master to solve, whether the religious precepts against the violation of property were not framed for him as well as his slave? And whether the slave may not as justifiably take a little from one who has taken all from him, as he may slay one who would slay him? That a change in the relations in which a man is placed should change his ideas of moral right or wrong, is neither new nor peculiar to the color of the blacks. Homer tells it was so 2,600 years ago.

'Emissu, ger t' aretes apoainutai euryopa Zous

Haneros, eut' an min kota doulien ema elesin.

Odd. 17, 323.

Jove fix'd it certain, that whatever day

Makes man a slave, takes half his worth away.

But the slaves of which Homer speaks were whites. Notwithstanding these considerations, which must weaken their respect for the laws of property, we find among them numerous instances of the most rigid integrity, and as many as among their better-instructed masters, of benevolence, gratitude, and unshaken fidelity. The opinion that they are inferior in the faculties of reason and imagination, must be hazarded with great diffidence. To justify a general conclusion, requires many observations, even where the subject may be submitted to the anatomical knife, to optical glasses, to analysis by fire or by solvents. How much more, then, where it is a faculty, not a substance, we are examining; where it eludes the research of all the senses; where the conditions of its existence are various, and variously combined; where the effects of those which are present or absent bid defiance to calculation. Let me add, too, as a circumstance of great tenderness, where our conclusion would degrade a whole race of men from the rank in the scale of beings which their Creator may perhaps have given them. To our reproach it must be said, that though for a century and a half we have had under our eyes the races of black and red men, they have never yet been viewed by us as subjects of natural history. I advance it, therefore, as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind.

\*Thomas Jefferson, George Wythe, and Edmund Pendleton

It is not gainst experience to suppose that different species of the same genus, or varieties of the same species, may possess different qualifications. Will not a lover of natural history, then—one who views the gradations in all the races of animals with the eye of philosophy—excuse an effort to keep those in the department of man as distinct as nature has formed them? This unfortunate difference of color, and perhaps of faculty, is a powerful obstacle to the emancipation of these people. Many of their advocates, while they wish to vindicate the liberty of human nature, are anxious also to preserve its dignity and beauty. Some of these, embarrassed by the question, "What further is to be done with them?" join themselves in opposition with those who are actuated by sordid avarice only. Among the Romans, emancipation required but one effort. The slaves, when made free, might mix with, without staining, the blood of his master. But with us a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture. The revised code further proposes to proportion crimes and punishments. This is attempted on the following scale.—*Pages 149–151.*

It is difficult to determine on the standard by which the manners of a nation may be tried, whether catholic or particular. It is more difficult for a native to bring to that standard the manners of his own nation, familiarized to him by habit. There must doubtless be an unhappy influence on the manners of our people, produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions—the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave, he is learning to do what he sees others do. If a parent could find no motive, either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose rein to the worst of passions; and, thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execration should the statesman be loaded, who, permitting one-half the citizens thus to trample on the rights of the other, transforms those into despots and these into enemies, destroys the morals of the one part, and the *amor patriæ* of the other; for if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another; in which he must lock up the faculties of his nature,

as far as depends on his individual endeavors, to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry also is destroyed; for, in a warm climate, no man will labor for himself who can make another labor for him. This is so true, that of the proprietors of slaves a very small proportion, indeed, are ever seen to labor. And can the liberties of a nation be thought secure, when we have removed their only firm basis—a conviction in the minds of the people that these liberties are the gift of God? that they are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that, considering numbers, nature, and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest. But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history, natural and civil. We must be contented to hope they will force their way into every one's mind. I think a change already perceptible, since the origin of the present Revolution. The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of Heaven, for a total emancipation; and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.—*Pages 169–171.*

#### EXTRACT FROM PLAN OF A CONSTITUTION FOR VIRGINIA.

*Drawn up by Mr. Jefferson in 1783.*

The General Assembly shall not have power to infringe this Constitution; to abridge the civil rights of any person on account of his religious belief; to restrain him from professing and supporting that belief, or to compel him to contributions, other than those he shall have personally stipulated, for the support of that or any other; to ordain death for any crime but treason or murder, or military offences; to pardon, or give a power of pardoning, persons duly convicted of treason or felony, but, instead thereof, they may substitute one or two new trials, and no more; to pass such laws for punishing actions done before the existence of such laws; to pass any bill of attainder of treason or felony; to prescribe torture in any case whatever; nor to permit the introduction of any more slaves to reside in this State, or the continuance of slavery beyond the generation which shall be living on the thirty-first day of December, one thousand eight hundred—all persons born after that day being hereby declared free.—*Page 226.*

## EXTRACTS FROM MR. JEFFERSON'S CORRESPONDENCE—VOL. I.

The first establishment in Virginia which became permanent was made in 1607. I have found no mention of negroes in the colony until about 1650. The first brought here as slaves were by a Dutch ship; after which, the English commenced the trade, and continued it until the revolutionary war. That suspended, *ipso facto*, their further importation for the present; and the business of the war pressing constantly on the Legislature, this subject was not acted on finally until the year 1778, when I brought in a bill to prevent their further importation. This passed without opposition, and stopped the increase of the evil by importation, leaving to future efforts its final eradication.—Page 31.

The bill on the subject of slaves was a mere digest of the existing laws respecting them, without any intimation of a plan for a future and general emancipation. It was thought better that this should be kept back, and attempted only by way of amendment, whenever the bill should be brought on. The principles of the amendment, however, were agreed on; that is to say, the freedom of all born after a certain day, and deportation at a proper age. But it was found that the public mind would not yet bear the proposition, nor will it bear it even at this day; yet the day is not distant when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate, than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same Government. Nature, habit, opinion, have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation peaceably, and in such slow degree as that the evil will wear off insensibly, and their place be *pari passu* filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or deletion of the Moors. This precedent would fall far short of our case.—Pages 39, 40.

To General Chastellux.

PARIS, June 7, 1785.

DEAR SIR: I have been honored with the receipt of your letter of the 2d instant, and am to thank you, as I do sincerely, for the partiality with which you receive the copy of the Notes on my country. As I can answer for the facts therein reported on my own observation, and have admitted none on the report of others, which were not supported by evidence sufficient to command my own assent, I am not afraid that you should make any extracts you please for the *Journal de Physique*, which come within their plan of publication. The strictures on slavery and on the Constitution of Virginia are not of that kind, and they are the parts which I do not wish to have made public, at least till I know whether their pub-

lication would do most harm or good. It is possible that in my own country these strictures might produce an irritation which would indispose the people towards the two great objects I have in view—that is, the emancipation of their slaves, and the settlement of their Constitution on a firmer and more permanent basis. If I learn from thence that they will not produce that effect, I have printed and reserved just copies enough to be able to give one to every young man at the college. It is to them I look—to the rising generation, and not to the one now in power—for these great reformations.—Page 228.

To Dr. Price.

PARIS, August 7, 1785.

SIR: Your favor of July the 2d came duly to hand. The concern you therein express, as to the effect of your pamphlet in America, induces me to trouble you with some observations on that subject. From my acquaintance with that country, I think I am able to judge, with some degree of certainty, of the manner in which it will have been received. Southward of the Chesapeake, it will find but few readers concurring with it in sentiment on the subject of slavery; from the mouth to the head of the Chesapeake, the bulk of the people will approve it in theory, and it will find a respectable minority ready to adopt it in practice—a minority which, for weight and worth of character, preponderates against the greater number, who have not the courage to divest their families of a property which, however, keeps their consciences unquiet; northward of the Chesapeake, you may find, here and there, an opponent to your doctrine, as you may find, here and there, a robber and murderer; but in no great number.

In that part of America, there being but few slaves, they can easily disencumber themselves of them; and emancipation is put into such a train that in a few years there will be no slaves northward of Maryland. In Maryland I do not find such a disposition to begin the redress of this enormity, as in Virginia. This is the next State to which we may turn our eyes for the interesting spectacle of justice in conflict with avarice and oppression—a conflict wherein the sacred side is gaining daily recruits from the influx into office of young men grown and growing up. These have sucked in the principles of liberty, as it were, with their mothers' milk; and it is to them I look with anxiety to turn the fate of this question. Be not, therefore, discouraged. What you have written will do a great deal of good; and could you still trouble yourself with our welfare, no man is more able to give aid to the laboring side. The college of William and Mary, in Williamsburg, since the remodelling of its plan, is the place where are collected together all the young men of Virginia, under preparation for public life. They are there under the direction (most of them) of a Mr. Wythe, one of the most virtuous of characters, and whose sentiments on the subject of slavery

are unequivocal. I am satisfied, if you could resolve to address an exhortation to those young men, with all that eloquence of which you are master, that its influence on the future decision of this important question would be great, perhaps decisive. Thus you see that, so far from thinking you have cause to repent of what you have done, I wish you to do more; and wish it, on an assurance of its effect. The information I have received from America of the reception of your pamphlet in the different States, agrees with the expectations I had formed. Our country is getting into a ferment against yours, or rather has caught it from yours. God knows how this will end; but assuredly in one extreme or the other. There can be no medium between those who have loved so much. I think the decision is in your power as yet, but will not be so long. I pray you to be assured of the sincerity of the esteem and respect with which I have the honor to be, sir, your most obedient, humble servant,

TH. JEFFERSON.

[Pages 268, 269.]

M. de Meusnier, where he mentions that the slave law has been passed in Virginia without the clause of emancipation, is pleased to mention that neither Mr. Wythe nor Mr. Jefferson was present, to make the proposition they had meditated; from which, people who do not give themselves the trouble to reflect or inquire, might conclude, hastily, that their absence was the cause why the proposition was not made, and, of course, that there were not in the Assembly persons of virtue and firmness enough to propose the clause for emancipation. This supposition would not be true. There were persons there who wanted neither the virtue to propose nor talents to enforce the proposition, had they seen that the disposition of the Legislature was ripe for it. These worthy characters would feel themselves wounded, degraded, and discouraged, by this idea. Mr. Jefferson would therefore be obliged to M. de Meusnier to mention it in some such manner as this: "Of the two commissioners who had concerted the amendatory clause for the gradual emancipation of slaves, Mr. Wythe could not be present, he being a member of the judiciary department, and Mr. Jefferson was absent on the legation to France. But there were not wanting in that Assembly men of virtue enough to propose and talents to vindicate this clause. But they saw that the moment of doing it with success was not yet arrived, and that an unsuccessful effort, as too often happens, would only rivet still closer the chains of bondage, and retard the moment of delivery to this oppressed description of men. What a stupendous, what an incomprehensible machine is man! who can endure toil, famine, stripes, imprisonment, and death itself, in vindication of his own liberty, and, the next moment, be deaf to all those motives whose power supported him through his trial, and inflict on his fellow-men a bondage, one hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose. But we

must await, with patience, the workings of an overruling Providence, and hope that that is preparing the deliverance of these our suffering brethren. When the measure of their tears shall be full, when their groans shall have involved heaven itself in darkness, doubtless a God of Justice will awaken to their distress, and, by diffusing light and liberality among their oppressors, or at length by his exterminating thunder, manifest his attention to the things of this world, and that they are not left to the guidance of a blind fatality.—*Pages 427, 428.*

## VOL. II.

To Dr. Gordon. [Extract.]

Lord Cornwallis then proceeded to the Point of Fork, and encamped his army from thence all along the main James river, to a seat of mine, called Elk-hill, opposite to Elk island, and a little below the mouth of Byrd creek. (You will see all these places exactly laid down in the map annexed to my Notes on Virginia, printed by Stockdale.) He remained in this position ten days, his own headquarters being in my house at that place. I had time to remove most of the effects out of the house. He destroyed all my growing crops of corn and tobacco; he burned all my barns, containing the same articles of the last year, having first taken what corn he wanted; he used, as was to be expected, all my stock of cattle, sheep, and hogs, for the sustenance of his army, and carried off all the horses capable of service; of those too young for service he cut the throats; and he burned all the fences on the plantation, so as to leave it an absolute waste. He carried off, also, about thirty slaves. Had this been to give them freedom, he would have done right; but it was to consign them to inevitable death from the small-pox and putrid fever, then raging in his camp. This I knew afterwards to be the fate of twenty-seven of them. I never had news of the remaining three, but presume they shared the same fate. When I say that Lord Cornwallis did all this, I do not mean that he carried about the torch in his own hands, but that it was all done under his eye—the situation of the house in which he was, commanding a view of every part of the plantation, so that he must have seen every fire. I relate these things on my own knowledge, in a great degree, as I was on the ground soon after he left it. He treated the rest of the neighborhood somewhat in the same style, but not with that spirit of total extermination with which he seemed to rage over my possessions. Wherever he went, the dwelling-houses were plundered of everything which could be carried off. Lord Cornwallis's character in England would forbid the belief that he shared in the plunder; but that his table was served with the plate thus pillaged from private houses, can be proved by many hundred eye-witnesses. From an estimate I made at that time, on the best information I could collect, I supposed the State of Virginia lost under Lord Cornwallis's hands, that year,

about thirty thousand slaves; and that of these, about twenty-seven thousand died of the small-pox and camp fever, and the rest were partly sent to the West Indies, and exchanged for rum, sugar, coffee, and fruit, and partly sent to New York, from whence they went, at the peace, either to Nova Scotia or England. From this last place I believe they have been lately sent to Africa. History will never relate the horrors committed by the British army in the Southern States of America. They raged in Virginia six months only—from the middle of April to the middle of October, 1781—when they were all taken prisoners; and I give you a faithful specimen of their transactions for ten days of that time, and on one spot only. *Ex pede Herculem.* I suppose their whole devastations during those six months amounted to about three millions sterling. The copiousness of this subject has only left me space to assure you of the sentiments of esteem and respect with which I am, sir, your most obedient, humble servant,

[Page 334.] TH. JEFFERSON.

## VOL. III.

To John Jay. [Extract.]

The emancipation of their [French] islands is an idea prevailing in the minds of several members of the National Assembly, particularly those most enlightened and most liberal in their views. Such a step by this country would lead to other emancipations or revolutions in the same quarter.—Page 21.

## VOL. IV.

To S. Kerchival. [Extract.]

Since writing my letter of July the 12th, I have been told that, on the question of equal representation, our fellow-citizens in some sections of the State claim peremptorily a right of representation for their slaves. Principle will, in this, as in most other cases, open the way for us to correct conclusions. Were our State a pure democracy, in which all its inhabitants should meet together to transact all their business, there would yet be excluded from their deliberations—1. Infants, until arrived at years of discretion. 2. Women, who, to prevent deprivation of morals and ambiguity of issue, could not mix promiscuously in the public meetings of men. 3. Slaves, from whom the unfortunate state of things with us takes away the rights of will and of property. Those, then, who have no will, could be permitted to exercise none in the popular assembly; and, of course, could delegate none to be an agent in a representative assembly. The business, in the first case, would be done by qualified citizens only; and in the second, by the representatives of qualified citizens only. It is true, that in the general Constitution, our State is allowed a larger representation on account of its slaves. But every one knows that that Constitution was a matter of compromise; a capitulation between conflicting interests and opinions. In truth, the condition of different descriptions of inhabitants in any coun-

try is a matter of municipal arrangement, of which no foreign country has a right to take notice. All its inhabitants are men, as to them. Thus, in the New England States, none have the powers of citizens but those whom they call freemen; and none are freemen until admitted by a vote of the freemen of the town. Yet, in the General Government, these non-freemen are counted in their quantum of representation and taxation. So, slaves with us have no powers as citizens; yet, in representation in the General Government, they count in the proportion of three to five; and so also in taxation. Whether this is equal, is not here the question. It is a capitulation of discordant sentiments and circumstances, and is obligatory on that ground. But this view shows there is no inconsistency in claiming representation for them from the other States, and refusing it within our own. Accept the renewal of assurances of my respect.

[Page 295.]

THOMAS JEFFERSON.

To William Short. [Extract.]

Although I had laid down as a law to myself, never to write, talk, or even to think of politics, to know nothing of public affairs, and therefore had ceased to read newspapers, yet the Missouri question aroused and filled me with alarm. The old schism of Federal and Republican threatened nothing, because it existed in every State, and united them together by the fraternism of party. But the coincidence of a marked principle, moral and political, with a geographical line, once conceived, I feared would never more be obliterated from the mind; that it would be recurring on every occasion, and renewing irritations, until it would kindle such mutual and mortal hatred, as to render separation preferable to eternal discord. I have been among the most sanguine in believing that our Union would be of long duration. I now doubt it much, and see the event at no great distance, and the direct consequence of this question; not by the line which has been so confidently counted on; the laws of Nature control this; but by the Potomac, Ohio, and Missouri, or, more probably, the Mississippi upwards to our Northern boundary. My only comfort and confidence is, that I shall not live to see this; and I envy not the present generation the glory of throwing away the fruits of their fathers' sacrifices of life and fortune, and of rendering desperate the experiment which was to decide ultimately whether man is capable of self-government. This treason against human hope will signalize their epoch in future history, as the counterpart of the medal of their predecessors.—Page 322.

To John Holmes.

MONTICELLO, April 22, 1820.

I thank you, dear sir, for the copy you have been so kind as to send me of the letter to your constituents on the Missouri question. It is a perfect justification to them. I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident they were in good hands, and content to be a pas-



senger in our bark to the shore from which I am not distant. But this momentous question, like a fire-bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper. I can say, with conscious truth, that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach, in any practicable way. The cession of that kind of property, for so it is misnamed, is a bagatelle which would not cost me a second thought, if, in that way, a general emancipation and expatriation could be effected; and gradually, and with due sacrifices, I think it might be. But as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other. Of one thing I am certain, that as the passage of slaves from one State to another would not make a slave of a single human being who would be so without it, so their diffusion over a greater surface would make them individually happier, and proportionally facilitate the accomplishment of their emancipation, by dividing the burden on a greater number of coadjutors. An abstinence, too, from this act of power, would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This certainly is the exclusive right of every State, which nothing in the Constitution has taken from them, and given to the General Government. Could Congress, for example, say that the non-freemen of Connecticut shall be freemen, or that they shall not emigrate into any other State?—Page 323.

*To J. Adams. [Extract.]*

Our anxieties in this quarter are all concentrated in the question, what does the Holy Alliance in and out of Congress mean to do with us on the Missouri question? And this, by the bye, is but the name of the case; it is only the John Doe or Richard Roe of the ejection. The real question, as seen in the States afflicted with the unfortunate population, is, are our slaves to be presented with freedom and a dagger? For if Congress has the power to regulate the conditions of the inhabitants of the States, within the States, it will be but another exercise of that power, to declare that all shall be free. Are we then to see again Athenian and Lacedemonian Confederacies? To wage another Peloponnesian war to settle the ascendancy between them? Or is this the tocsin of merely a servile war? That remains to be seen; but not, I hope, by you or me. Surely they will parley awhile, and give us time to get out of the way. What a Bedlamite is man!—Page 338.

*To M. de Lafayette. [Extract.]*

On the eclipse of Federalism with us, although not its extinction, its leaders got up the Missouri question, under the false front of lessening the measure of slavery, but with the real view of producing a geographical division of parties, which might insure them the next President. The people of the North went blindfold into the snare, followed their leaders for a while with a zeal truly moral and laudable, until they became sensible that they were injuring instead of aiding the real interests of the slaves, that they had been used merely as tools for electioneering purposes; and that trick of hypocrisy then fell as quickly as it had been got up.—Page 384.

*To Jared Sparks.*

MONTICELLO, February 4, 1824.

DEAR SIR: I duly received your favor of the 13th, and with it the last number of the North American Review. This has anticipated the one I should receive in course, but have not yet received, under my subscription to the new series. The article on the African colonization of the people of color, to which you invite my attention, I have read with much consideration. It is, indeed, a fine one, and will do much good. I learn from it more, too, than I had before known, of the degree of success and promise of that colony. In the disposition of these unfortunate people, there are two rational objects to be distinctly kept in view. 1. The establishment of a colony on the coast of Africa, which may introduce among the aborigines the arts of cultivated life, and the blessings of civilization and science. By doing this, we may make to them some retribution for the long course of injuries we have been committing on their population. And considering that these blessings will descend to the "*nati natorum, et qui nascentur ab illis*," we shall in the long run have rendered them perhaps more good than evil. To fulfil this object, the colony of Sierra Leone promises well, and that of Mesurado adds to our prospect of success. Under this view, the Colonization Society is to be considered as a missionary society, having in view, however, objects more humane, more justifiable, and less aggressive on the peace of other nations, than the others of that appellation.

The second object, and the most interesting to us, as coming home to our physical and moral characters, to our happiness and safety, is to provide an asylum, to which we can, by degrees, send the whole of that population from among us, and establish them under our patronage and protection, as a separate, free, and independent people, in some country and climate friendly to human life and happiness. That any place on the coast of Africa should answer the latter purpose, I have ever deemed entirely impossible. And without repeating the other arguments which have been urged by others, I will appeal to figures only, which admit of no controversy. I shall speak in round numbers, not absolutely accurate, yet

not so wide from truth as to vary the result materially. There are in the United States a million and a half of people of color in slavery. To send off the whole of these at once, nobody conceives to be practicable for us, or expedient for them. Let us take twenty-five years for its accomplishment, within which time they will be doubled. Their estimated value as property, in the first place, (for actual property has been lawfully vested in that form, and who can lawfully take it from the possessors?) at an average of two hundred dollars each, young and old, would amount to six hundred millions of dollars, which must be paid or lost by somebody. To this, add the cost of their transportation by land and sea to Mesurado, a year's provision of food and clothing, implements of husbandry and of their trades, which will amount to three hundred millions more, making thirty-six millions of dollars a year for twenty-five years, with insurance of peace all that time, and it is impossible to look at the question a second time. I am aware that, at the end of about sixteen years, a gradual detraction from this sum will commence, from the gradual diminution of breeders, and go on during the remaining nine years. Calculate this deduction, and it is still impossible to look at the enterprise a second time.

I do not say this to induce an inference that the getting rid of them is forever impossible; for that is neither my opinion nor my hope; but only that it cannot be done in this way. There is, I think, a way in which it can be done—that is, by emancipating the after-born, leaving them, on due compensation, with their mothers, until their services are worth their maintenance, and then putting them to industrious occupations until a proper age for deportation. This was the result of my reflections on the subject five-and-forty years ago, and I have never yet been able to conceive any other practicable plan. It was sketched in the Notes on Virginia, under the fourteenth query. The estimated value of the new-born infant is so low, (say twelve dollars and fifty cents,) that it would probably be yielded by the owner gratis, and would thus reduce the six hundred millions of dollars—the first head of expense—to thirty-seven millions and a half; leaving only the expenses of nourishment while with the mother, and of transportation. And from what fund are these expenses to be furnished? Why not from that of the lands which have been ceded by the very States now needing this relief?—and ceded on no consideration, for the most part, but that of the general good of the whole. These cessions already constitute one-fourth of the States of the Union. It may be said that these lands have been sold, are now the property of the citizens composing those States, and the money long ago received and expended. But an equivalent of lands in the territories since acquired may be appropriated to that object, or so much, at least, as may be sufficient; and the object, although more important to the slave States,

is highly so to the others also, if they were serious in their arguments on the Missouri question. The slave States, too, if more interested, would also contribute more by their gratuitous liberation, thus taking on themselves alone the first and heaviest item of expense. In the plan sketched in the Notes on Virginia, no particular place of asylum was specified, because it was thought possible that, in the revolutionary state of America, then commenced, events might open to us some one within practicable distance. This has now happened. St. Domingo has become independent, and with a population of that color only; and if the public papers are to be credited, their chief offers to pay their passage, to receive them as free citizens, and to provide them employment. This leaves, then, for the general Confederacy, no expense but of nurture with the mother a few years, and would call, of course, for a very moderate appropriation of the vacant lands. Suppose the whole annual increase to be of sixty thousand effective births; fifty vessels, of four hundred tons burden each, constantly employed in that short run, would carry off the increase of every year, and the old stock would die off in the ordinary course of nature, lessening from the commencement until its final disappearance. In this way, no violation of private right is proposed. Voluntary surrenders would probably come in as fast as the means to be provided for their care would be competent to it. Looking at my own State only—and I presume not to speak for the others—I verily believe that this surrender of property would not amount to more, annually, than half our present direct taxes, to be continued fully about twenty or twenty-five years, and then gradually diminishing for as many more, until their final extinction; and even this half tax would not be paid in cash, but by the delivery of an object which they have never yet known or counted as part of their property; and those not possessing the object will be called on for nothing. I do not go into all the details of the burdens and benefits of this operation. And who could estimate its blessed effects? I leave this to those who will live to see their accomplishment, and to enjoy a beatitude forbidden to my age. But I leave it with this admonition, to rise and be doing. A million and a half are within their control; but six millions, (which a majority of those now living will see them attain,) and one million of these fighting men, will say, "We will not go."

I am aware that this subject involves some constitutional scruples; but a liberal construction, justified by the object, may go far, and an amendment of the Constitution the whole length necessary. The separation of infants from their mothers, too, would produce some scruples of humanity; but this would be straining at a gnat, and swallowing a camel.

I am much pleased to see that you have taken up the subject of the duty on imported books. I hope a crusade will be kept up against it, until those in power shall become



sensible of this stain on our legislation, and shall wipe it from their code, and from the remembrance of man, if possible.

I salute you with assurances of high respect and esteem. TH. JEFFERSON.

[Page 388.]

*Extract from a letter, written by Thomas Jefferson, addressed to Edward Coles.*

I had always hoped that the younger generation, receiving their early impressions after the flame of liberty had been kindled in every breast, and had become, as it were, the vital spark of every American, that the generous temperament of youth, analogous to the motion of their blood, and above the suggestions of avarice, would have sympathized with oppression wherever found, and proved their love of liberty beyond their own share of it.

But my intercourse with them, since my return, has not been sufficient to ascertain that they had made, towards this point, the progress I had hoped. Your solitary but welcome voice is the first which has brought this sound to my ear; and I have considered the general silence which prevails on this subject as indicating an apathy unfavorable to every hope. Yet the hour of emancipation is advancing, in the march of time. *It will come;* and, whether brought on by the generous energies of our own minds, or by the bloody process of St. Domingo, excited and conducted by the power of our present enemy, if once stationed permanently within our country, and offering asylum and arms to the oppressed, is a leaf of our history not yet turned over.

As to the method by which this difficult work is to be effected, if permitted to be done by ourselves, I have seen no proposition so expedient, on the whole, as that of emancipation of those born after a given day, and of their education and expatriation at a proper age.

I am sensible of the partialities with which you have looked towards me, as the person who should undertake this salutary but arduous work. But this, my dear sir, is like bidding old Priam to buckle the armor of Hector: "*Tremantibus aevo humeris et inutile ferrum cingitur.*" No; I have overlived the generation with which mutual labors and perils beget mutual confidence and influence. This enterprise is for the young—for those who can follow it up, and bear it through to its consummation.

It shall have all my prayers, and these are the only weapons of an old man; but, in the mean time, are you right in abandoning this property, and your country with it? I think not.

My opinion has ever been, that until more can be done for them, we should endeavor, with those whom fortune has thrown on our hands, to feed and clothe them well, protect them from ill usage, require such reasonable labor only as is performed by free men, and be led by no repugnances to abdicate them, and our duties to them. The laws do not permit us to turn them loose, if that were for their

good; and to commute them for other property is to commit them to those whose usage to them we cannot control. I hope, then, my dear sir, you will reconcile yourself to your country and its unfortunate condition, and that you will not lessen its stock of sound disposition by withdrawing your proportion from the mass; that, on the contrary, you will come forward in the *public councils*, become the missionary of the doctrine truly Christian, insinuate and inculcate it softly but steadily, through the medium of writing and conversation, associate others in your labors, and when the phalanx is formed, bring on and press the proposition perseveringly until its accomplishment. It is an encouraging observation, that no good measure was ever proposed, which, if duly pursued, failed to prevail in the end. We have proof of this, in the history of the endeavors of the British Parliament to suppress that very trade which brought *this evil on us*. And you will be supported by the religious precept, "Be not weary in well-doing." That your success may be speedy and complete, as it will be of honorable and immortal consolation, I shall fervently and sincerely pray, as I assure you of my great friendship and respect.

THOMAS JEFFERSON.

The people of North Carolina are justly proud of the fame of the wise and good Judge Gaston. He was distinguished alike for talents, attainments, and moral worth. They will therefore receive, with attention and respect, his warning admonition upon the subject of slavery. In an address to the students of the University at Chapel Hill, in June, 1832, he used the following language:

On you, too, will devolve the duty, which has been too long neglected, but which cannot with impunity be neglected much longer, of providing for the migration and (is it too much to hope for in North Carolina?) for the ultimate extirpation of the worst evil that afflicts the Southern part of our Confederacy. Full well do you know to what I refer; for on this subject there is, with all of us, a morbid sensitiveness which gives warning even of an approach to it. Disguise the truth as we may, and throw the blame where we will, it is slavery which, more than any other cause, keeps us back in the career of improvement. It stifles industry and represses enterprise; it is fatal to economy and providence; it discourages skill, impairs our strength as a community, and poisons morals at the fountain head. How this evil is to be encountered, how subdued, is indeed a difficult and delicate inquiry, which this is not the time to examine nor the occasion to discuss. I felt, however, that I could not discharge my duty without referring to this subject, as one which ought to engage the prudence, moderation, and firmness, of those who sooner or later, must act decisively upon it.

## ANNALS OF FIRST CONGRESS.

THURSDAY, FEBRUARY 11, 1790.

Mr. Fitzsimmons presented the address to the Senate and House of Representatives of the United States, of the people called Quakers, in their annual assembly convened; signed in and on behalf of the Yearly Meeting for Pennsylvania, New Jersey, Delaware, and the western parts of Maryland and Virginia, held by adjournments from the 28th day of the ninth month, to the 3d day of the tenth month, inclusive, 1789, by Nicholas Waln, clerk to the meeting this year.

Mr. Lawrence also presented an address from the Society of Friends in the city of New York, in which they set forth their desire of co-operating with their Southern brethren in their protest against the slave trade.

Mr. Hartley, of Pa., moved to refer the address of the annual assembly of Friends, held at Philadelphia, to a committee. He thought it a mark of respect due to so numerous and respectable a part of the community.

Mr. White, of Va., seconded the motion.

Mr. Parker, of Va. I hope, Mr. Speaker, the petition of these respectable persons will be attended to with all the readiness the importance of its objects demands; and I cannot help expressing the pleasure I feel in finding so considerable a part of the community attending to matters of such momentous concern to the future prosperity and happiness of the people of America. I think it my duty, as a citizen of the Union, to espouse their cause; and it is incumbent upon every member of this House to sift the subject well, and to ascertain what can be done to restrain a practice so nefarious. The Constitution has authorized us to levy a tax upon the importation of such persons as the States shall authorize to be admitted. I would willingly go to that extent; and if anything further can be devised to discountenance the trade, consistent with the terms of the Constitution, I shall cheerfully give it my assent and support.

Mr. Madison, of Va. The gentleman from Pennsylvania [Mr. Fitzsimmons] has put this question on its proper ground. If gentlemen do not mean to oppose the commitment tomorrow, they may as well acquiesce in it today; and I apprehend gentlemen need not be alarmed at any measure it is likely Congress will take; because they will recollect that the Constitution secures to the individual States the right of admitting, if they think proper, the importation of slaves into their own territory, for eighteen years yet unexpired; subject, however, to a tax, if Congress are disposed to impose it, of not more than ten dollars on each person. The petition, if I mistake not, speaks of artifices used by self-interested persons to carry on this trade; and the petition from New York states a case that may require the consideration of Congress. If anything is within the Federal authority to restrain such violation of the rights of nations and of mankind as is supposed to be practiced

in some parts of the United States, it will certainly tend to the interest and honor of the community to attempt a remedy, and is a proper subject for our discussion. It may be that foreigners take the advantage of the liberty afforded them by the American trade, to employ our shipping in the slave trade between Africa and the West Indies, when they are restrained from employing their own by restrictive laws of their nation. If this is the case, is there any person of humanity that would not wish to prevent them? Another consideration why we should commit the petition is, that we may give no ground of alarm by a serious opposition, as if we were about to take measures that were unconstitutional.—*Pages 1182 to 1191.*

FRIDAY, FEBRUARY 12, 1790.

The following memorial of the Pennsylvania Society for promoting the Abolition of Slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the condition of the African race, was presented and read:

The memorial respectfully sheweth—

That, from a regard for the happiness of mankind, an association was formed several years since, in this State, by a number of her citizens, of various religious denominations, for promoting the abolition of slavery, and for the relief of those unlawfully held in bondage. A just and acute conception of the true principles of liberty, as it spread through the land, produced accessions to their numbers, many friends to their cause, and a legislative co-operation with their views, which, by the blessings of Divine Providence, have been successfully directed to the relieving from bondage a large number of their fellow creatures of the African race. They have also the satisfaction to observe, that in consequence of that spirit of philanthropy and genuine liberty which is generally diffusing its beneficial influence, similar institutions are forming, at home and abroad.

That mankind are all formed by the same Almighty Being, alike objects of his care, and equally designed for the enjoyment of happiness, the Christian religion teaches us to believe, and the political creed of Americans fully coincides with the position. Your memorialists, particularly engaged in attending to the distresses arising from slavery, believe it their indispensable duty to present this subject to your notice. They have observed, with real satisfaction, that many important and salutary powers are vested in you, for "promoting the welfare and securing the blessings of liberty to the people of the United States;" and as they conceive that these blessings ought rightfully to be administered, without distinction of color, to all descriptions of people, so they indulge themselves in the pleasing expectation that nothing which can be done for the relief of the unhappy objects of their care will be either omitted or delayed.

From a persuasion that equal liberty was

originally the portion and is still the birth-right of all men, and influenced by the strong ties of humanity and the principles of their institution, your memorialists conceive themselves bound to use all justifiable endeavors to loosen the bands of slavery, and promote a general enjoyment of the blessings of freedom. Under these impressions, they earnestly entreat your serious attention on the subject of slavery; that you will be pleased to countenance the restoration of liberty to those unhappy men, who alone, in this land of freedom, are degraded into perpetual bondage, and who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will devise means for removing this inconsistency from the character of the American people; that you will promote mercy and justice towards this distressed race, and that you will step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow-men.

BENJ. FRANKLIN, *President.*

*Philadelphia, February 3, 1790.*

Mr. Hartley then called up the memorial presented yesterday, from the annual meeting of Friends at Philadelphia, for a second reading; whereupon the same was read a second time, and moved to be committed.

Mr. Seney, of Md., denied that there was anything unconstitutional in the memorial; at least, if there was, it had escaped his attention, and he should be obliged to the gentleman to point it out. Its only object was, that Congress should exercise their constitutional authority to abate the horrors of slavery, as far as they could; indeed, he considered that all altercation on the subject of commitment was at an end, as the House had impliedly determined yesterday that it should be committed.

Mr. Page, of Va., was in favor of the commitment. He hoped that the designs of the respectable memorialists would not be stopped at the threshold, in order to preclude a fair discussion of the prayer of the memorial. He observed that gentlemen had founded their arguments upon a misrepresentation; for the object of the memorial is not declared to be the total abolition of the slave trade, but that Congress will consider whether it be not in reality within their power to exercise justice and mercy, which, if adhered to, they cannot doubt, must produce the abolition of the slave trade. If, then, the prayer contained nothing unconstitutional, he trusted the meritorious effort of the petitioners would not be frustrated.

With respect to the alarm that was apprehended, he conjectured there was none; but there might be just cause, if the memorial was not taken into consideration. He placed himself in the case of a slave, and said that, on hearing that Congress had refused to listen to the decent suggestions of a respectable part of the community, he should infer that the General Government (from which was expected

great good would result to every class of citizens) had shut their ears against the voice of humanity, and he should despair of any alleviation of the miseries he and his posterity had in prospect; if anything could induce him to rebel, it must be a stroke like this, impressing on his mind all the horrors of despair. But if he was told that application was made in his behalf, and that Congress was willing to hear what could be urged in favor of discouraging the practice of importing his fellow-wretches, he would trust in their justice and humanity, and wait the decision patiently. He presumed that these unfortunate people would reason in the same way; and he therefore conceived the most likely way to prevent danger was to commit the petition. He lived in a State which had the misfortune of having in her bosom a great number of slaves; he held many of them himself, and was as much interested in the business as any gentleman in South Carolina and Georgia; yet if he was determined to hold them in eternal bondage, he should feel no uneasiness or alarm on account of the present measure, because he should rely upon the virtue of Congress, that they would not exercise any unconstitutional authority.

Mr. Madison, of Va. The debate has taken a serious turn, and it will be owing to this alone if an alarm is created; for, had the memorial been treated in the usual way, it would have been considered, as a matter of course, and a report might have been made, so as to have given general satisfaction. If there was the slightest tendency, by the commitment, to break in upon the Constitution, he would object to it; but he did not see upon what ground such an event was to be apprehended. The petition prayed, in general terms, for the interference of Congress, so far as they were constitutionally authorized; but even if its prayer was in some degree unconstitutional, it might be committed, as was the case on Mr. Churchman's petition—one part of which was supposed to apply for an unconstitutional interference by the General Government. He admitted that Congress is restricted by the Constitution from taking measures to abolish the slave trade; *yet there are a variety of ways by which it could countenance the abolition, and regulations might be made in relation to the introduction of them into the new States to be formed out of the Western Territory. He thought the object well worthy of consideration.*

The question on the commitment being about to be put, the yeas and nays were called for, and were as follows:

YEAS—Messrs. Ames, Benson, Boudinot, Brown, Cadwalader, Clymer, Fitzsimmons, Floyd, Foster, Gale, Gerry, Gilman, Goodhue, Griffin, Grout, Hartley, Hathorn, Heister, Huntington, Lawrence, Lee, Leonard, Livermore, Madison, Moore, Muhlenburg, Page, Parker, Partridge, Rensselaer, Schureman, Scott, Sedgwick, Seney, Sherman, Sinnickson, Smith of Maryland, Sturgis, Thatcher, Trumbull, Wadsworth, White, and Wynkoop—43.

NAYS—Messrs. Baldwin, Bland, Burke, Coles,

Huger, Jackson, Matthews, Sylvester, Smith of South Carolina, Stone, and Tucker—11.

The memorials were referred accordingly.

[Pages 1197 to 1205, inclusive.]

FRIDAY, MARCH 5, 1790.

Mr. Foster, from the committee appointed for the purpose, made a report on the petitions of the people called Quakers, and also of the Pennsylvania Society for Promoting the Abolition of Slavery.—Page 1413.

MONDAY, MARCH 8, 1790.

Mr. Hartley moved that the report of the committee on the memorials of the people called Quakers should be taken up for a second reading; which motion being adopted, it was read, as follows, viz:

### REPORT.

That, from the nature of the matters contained in those memorials, they were induced to examine the powers vested in Congress, under the present Constitution, relating to the abolition of slavery, and are clearly of opinion—

First. That the General Government is expressly restrained from prohibiting the importation of such persons as any of the States now existing shall think proper to admit, until the year 1808.

Secondly. That Congress, by a fair construction of the Constitution, are equally restrained from interfering in the emancipation of slaves, who already are, or who may, within the period mentioned, be imported into or born within any of the said States.

Thirdly. That Congress have no authority to interfere in the internal regulations of particular States, relative to the instruction of slaves in the principles of morality and religion, to their comfortable clothing, accommodation, and subsistence; to the regulation of their marriages, and the prevention of the violation of the rights thereof, or to the separation of children from their parents; to a comfortable provision in the case of sickness, age, or infirmity, or to the seizure, transportation, or sale, of free negroes; but have the fullest confidence in the wisdom and humanity of the Legislatures of the several States, that they will revise their laws, from time to time, when necessary, and promote the objects mentioned in the memorials, and every other measure that may tend to the happiness of slaves.

Fourthly. That, nevertheless, Congress have authority, if they shall think it necessary, to lay, at any time, a tax or duty, not exceeding ten dollars for each person, of any description, the importation of whom shall be by any of the States admitted as aforesaid.

Fifthly. That Congress have authority to interdict, or (so far as it is or may be carried on by citizens of the United States, for supplying foreigners) to regulate the African trade, and to make provision for the humane treatment of slaves, in all cases, while on their passages to the United States or to foreign ports, as

far as it respects the citizens of the United States.

Sixthly. That Congress have also authority to prohibit foreigners from fitting out vessels in any part of the United States, for transporting persons from Africa to any foreign port.

Seventhly. That the memorialists be informed that in all cases, to which the authority of Congress extends, they will exercise it for the humane objects of the memorialists, so far as they can be promoted on the principles of justice, humanity, and good policy.

[Pages 1414 to 1417, inclusive.]

WEDNESDAY, MARCH 17, 1790.

The House again resolved itself into a Committee of the Whole on the report of the committee to whom was referred the memorial of the people called Quakers, &c., (Mr. Benson in the chair.)

The question of order was put, when it was determined that Mr. Tucker's last amendment was not in order.

The report was then taken up by paragraphs. The first proposition being read—

Mr. White, of Va., moved that it be struck out. He did this, he said, because he was against entering into a consideration, at this time, of the powers of Congress. He thought it would be time enough for this, when the powers are called in question. He then read the next, which he said was entirely unnecessary, as it contains nothing more than what is contained in express terms in the Constitution. He passed on to the third, which he said was equally unnecessary; and to the fourth, which was provided for by the Constitution. He said that he should agree to the fifth and sixth, with certain modifications. Agreeable to this idea, he offered those two in a different form. He disagreed to the seventh proposition, as unnecessary and improper. He concluded by observing that his wish was to promote the happiness of all mankind, and, among the rest, those who are the objects of the present consideration; but this he wished to do in conformity to the principles of justice, and with a due regard to the peace and happiness of others. He would contribute all in his power to their comfort and well-being while in a state of slavery; but he was fully of opinion that Congress has no right to interfere in the business, any further than he proposed by the two propositions as modified. He did not, however, anticipate the difficulties from a total prohibition which some gentlemen seem to apprehend; and if Congress had it in their power to interdict this business at the present moment, he did not think the essential interests of the Southern States would suffer. Twenty years ago, he supposed the idea he now suggested would have caused universal alarm. Virginia, however, about twelve years since, prohibited the importation of negroes from Africa, and the consequences apprehended never were realized; on the contrary, the agriculture of that State was never in a more flourishing situation.

FRIDAY, MARCH 19, 1790.

The House then went again into a Committee on the Quakers' memorial, &c. (Mr. Benson in the chair.)

The fourth proposition, respecting a duty of ten dollars on slaves imported, being read, it was moved that it be struck out; which motion, after much debate, was adopted.

Several modifications of the fifth proposition were offered, but the following, in substance, offered by Mr. Madison, was agreed to, viz: Congress have authority to restrain the citizens of the United States, who are concerned in the African trade, from supplying foreigners with slaves, and to provide for their humane treatment while on their passage to the United States.

The Committee then rose, and the House adjourned till Monday next.—*Page 1466.*

MONDAY, MARCH 22, 1790.

The House again went into a Committee of the Whole on the Quakers' memorial, &c. (Mr. Benson in the chair.)

The sixth article was further discussed.

Mr. Scott commenced the debate, advocating the prayer of the memorialists, and was replied to by several of the Southern members.—*Page 1466.*

It was moved that the sixth article be struck out, but the motion was negatived. The Committee then agreed to the proposition. The seventh article was, on motion, struck out.

The Committee then rose, and made their report to the House, which was laid on the table.—*Page 1471.*

TUESDAY, MARCH 23, 1790.

It was then moved that the House should take up the report of the Committee of the Whole on the report of the committee to whom was referred the memorials of the people called Quakers, and of the Pennsylvania Society for Promoting the Abolition of Slavery.

This motion was opposed by Mr. Jackson of Ga., Mr. Smith of S. C., Mr. Burke of Ga., and Mr. Bland. They severally observed that the discussion of the subject has already excited a spirit of dissension among the members of the House, and that every principle of policy and concern for the dignity of the House, and the peace and tranquillity of the United States, concur to show the propriety of dropping the subject, and letting it sleep where it is. On the other hand, Mr. Vining of Del., Mr. Hartley of Pa., and Mr. Page of Va., observed that there was the same propriety in taking up the subject at the present moment, and bringing it to a conclusion, as there was for first taking it up; that it has been so fully discussed, it cannot be supposed gentlemen will go over the same ground again; it may soon be determined; to pass it over will be unprecedented, and will leave the public mind in the same state of uncertainty from which so much danger is apprehended. The motion for taking up the report was warmly contested in a lengthy debate, and finally passed in the af-

firmative, by a majority of one. Whereupon, on motion that the said report of the committee, and also the report of the Committee of the Whole House, of amendments to said report, be inserted on the Journal, it was resolved in the affirmative—29 votes to 25. The yeas and nays were as follows:

Those who voted in the affirmative were—

Messrs. Boudinot, Brown, Cadwalader, Contee, Floyd, Foster, Gerry, Gilman, Goodhue, Griffin, Hartley, Hathorn, Heister, Huntington, Lawrence, Lee, Leonard, Madison, Muhlenburg, Parker, Partridge, Schureman, Scott, Sedgwick, Sherman, Sylvester, Sinnickson, Vining, and Wynkoop.

Those who voted in the negative were—

Messrs. Ames, Baldwin, Benson, Bland, Burke, Carroll, Coles, Gale, Grout, Jackson, Livermore, Matthews, Moore, Page, Van Rensselaer, Smith of Maryland, Smith of South Carolina, Stone, Sturges, Sumter, Thatcher, Trumbull, Tucker, White, and Williamson.

*Report of the Committee of the Whole House.*

The Committee of the Whole House, to whom was referred the report of the committee on memorials of the people called Quakers, and of the Pennsylvania Society for Promoting the Abolition of Slavery, report the following amendments:

Strike out the first clause, together with the recital thereto, and in lieu thereof insert, "That the migration or importation of such persons as any of the States now existing shall think proper to admit, cannot be prohibited by Congress prior to the year one thousand eight hundred and eight."

Strike out the second and third clauses, and in lieu thereof insert, "That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the States, it remaining with the several States alone to provide any regulations therein which humanity and true policy may require."

Strike out the fourth and fifth clauses, and in lieu thereof insert, "That Congress have authority to restrain the citizens of the United States from carrying on the African trade, for the purpose of supplying foreigners with slaves, and of providing, by proper regulations, for the humane treatment, during their passage, of slaves imported by the said citizens into the States admitting such importation."

Strike out the seventh clause.—*Pages 1472 to 1474, inclusive.*

### THIRD CONGRESS.

MONDAY, JANUARY 20, 1794.

#### *Quakers' Memorial.*

A memorial was read, from the people called Quakers. The substance of this memorial is, to request that Congress would pass a law to prohibit the citizens of the United States from transporting slaves from the coast of Africa to the West India islands.

The petition was read by the Speaker.

Mr. Giles wished that it might be referred to a select committee.

Mr. Bourne wished that it should lie on the table for a day or two. He did not, by this, mean to oppose the principle of the memorial; but he understood that another of the same tenor was to be presented to the Senate. He therefore wished that it might be deferred, till the House could see whether the Senate should take it up. If they did not, he should then move that it should be referred to a select committee.

The petition was ordered to lie on the table.—Page 249.

TUESDAY, JANUARY 21, 1794.

*Ordered*, That the memorial of the people called Quakers, at their yearly meeting, held in Rhode Island, in the year 1793, which lay on the table, be referred to Mr. Trumbull, Mr. Ward, Mr. Giles, Mr. Talbot, and Mr. Grove; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.—Page 253.

TUESDAY, JANUARY 28, 1794.

A memorial of the delegates from the several societies formed in different parts of the United States for promoting the abolition of slavery, in convention assembled, at Philadelphia, on the 1st instant, was presented to the House and read, praying that Congress may adopt such measures as may be the most effectual and expedient for the abolition of the slave trade. Also, a memorial of the Providence Society for abolishing the slave trade, to the same effect.

*Ordered*, That the said memorials be referred to Mr. Trumbull, Mr. Ward, Mr. Giles, Mr. Talbot, and Mr. Grove; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.—Page 349.

TUESDAY, FEBRUARY 11, 1794.

Mr. Trumbull, from the committee to whom were referred the memorials of the people called Quakers, at their yearly meeting, held in Rhode Island, in the year 1793, of the delegates from the several societies for promoting the abolition of slavery, in convention assembled, at Philadelphia, on the 1st day of January last, and of the Providence Society for abolishing the slave trade, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.—Page 448.

MONDAY, FEBRUARY 17, 1794.

The House resolved itself into a Committee of the Whole House, on the report of the committee to whom were referred the memorials of the people called Quakers, at their yearly meeting, held in Rhode Island, in the year 1792; of the delegates from the several societies for promoting the abolition of slavery, in convention assembled, at Philadelphia, on the 1st day of January last; and of the Providence Society for abolishing the slave trade; and, after some

time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

*Resolved*, That a committee be appointed to prepare and bring in a bill or bills to prohibit the fitting out of any ship or vessel, in any port of the United States, either by citizens of the United States or foreigners, for the purpose of procuring, from any kingdom or country, the inhabitants of such kingdom or country, to be transported to any foreign parts or places of the world, to be sold or disposed of as slaves.

*Ordered*, That Mr. Trumbull, Mr. Ward, Mr. Giles, Mr. Talbot, and Mr. Grove, be a committee pursuant to the said resolution.—Page 455.

FRIDAY, FEBRUARY 28, 1794.

Mr. Trumbull, from the committee appointed, presented a bill to prohibit the carrying on the slave trade from the United States to any foreign place or country; which was read twice, and committed.—Page 469.

THURSDAY, MARCH 6, 1794.

The House went into Committee of the Whole on the bill to prohibit the carrying on the slave trade from the ports of the United States—Mr. Boudinot in the chair.

The two first sections of the bill were agreed to, with one alteration, moved by Mr. Trumbull, which was, to give the District Court, as well as the Circuit Courts, cognizance of the offence.

The third section—which relates to the penalty, &c.—it was moved should be struck out.

This motion was negatived.

It was then moved to insert the word *foreign* before "ship or vessel;" which was agreed to.

The Committee proceeded through the bill, which was reported to the House with sundry amendments. These were agreed to by the House, and the bill ordered to be engrossed for a third reading.—Page 483.

#### DEBATE ON EMANCIPATION, IN THE VIRGINIA LEGISLATURE, IN 1832.

The debate in the Virginia Legislature, at the session of 1831-32, on the subject of Emancipation, was occasioned by the Southampton insurrection, which occurred in the preceding August. The minds of the people were awakened by that event to the continual insecurity and danger of a state of society in which one half of the people are made the natural enemies of the other; and the press almost unanimously broke forth in condemnation of a system to which they justly traced the dilapidation and decay of agriculture, the absence of arts, manufactures, and internal improvements, and the prevalent ignorance among the body of the people. The condition of Virginia was contrasted with that of the Northern States in these particulars, and her



poverty and degeneracy demonstrated on the incontestable authority of official statistics. The debate occupied many consecutive days at the session, and must be regarded, by all who peruse it, as one of the ablest, and, owing to the vital importance of the subject, one of the most interesting that has ever occurred on the continent. The Virginian of the present day, who would bury in oblivion all recollection of this debate, is untrue to the honor and renown of his country. Nowhere has genius and liberty been more closely allied than in the Old Dominion. It would be difficult to find one illustrious name in all her history, which is not identified with freedom in the broadest sense of the term; while those who have signalized themselves as the champions of slavery are stars of a lesser magnitude.

Foremost in the ranks of the Emancipation party was the distinguished editor of the *Richmond Enquirer*, Thomas Ritchie, Esq., a gentleman of high character, a cool, cautious, and wary politician, whose influence was, perhaps, at that time and subsequently, greater than that of any man in Virginia. Side by side with the *Enquirer* stood the *Richmond Whig*, edited by the gallant and impetuous John Hampden Pleasants, a man of brilliant genius, who, for dashing and racy editorial writing, has never been excelled in this country. The press of Norfolk, Charlottesville, and other places, responded in many strains to the *Richmond papers*: and I believe I shall not be invidious in saying that a majority of enlightened men in the State took a decided stand in favor of Emancipation.

Among the most distinguished advocates of Emancipation, in the House of Delegates, were Mr. Moore of Rockbridge, Mr. Bolling of —, Mr. Randolph of Albemarle, Mr. Rives of Campbell, General Brodnax of Dinwiddie, Mr. Powell, Mr. Faulkner, and Mr. Summers of Kanawha.

*From the Richmond Enquirer, Jan. 7, 1832.—Editorial.*

It is probable, from what we hear, that the Committee on the Colored Population will report some plan for getting rid of the free people of color. But is this all that can be done? Are we forever to suffer the greatest evil which can scourge our land, not only to remain, but to increase in its dimensions? "We may shut our eyes and avert our faces, if we please," (writes an eloquent South Carolinian, on his return from the North, a few weeks ago,) but there it is, the dark and growing evil at our doors; and meet the question we must, at no distant day. God only knows what it is the part of wise men to do on that momentous and appalling subject. Of this I am very sure, that the difference—nothing short of frightful—between all that exists on one side of the Potomac and all on the other, is owing to that cause alone. The disease is deep seated—it is at the heart's core—it is consuming, and has all along been consuming, our vitals; and I could laugh—if I could laugh

on such a subject—at the ignorance and folly of the politician who ascribes that to an act of the Government which is the inevitable effect of the eternal laws of Nature. What is to be done? Oh! my God, I do not know, but something must be done."

Yes, something must be done, and it is the part of no honest man to deny it—of no free press to affect to conceal it. When this dark population is growing upon us; when every new census is but gathering its appalling numbers upon us; when, within a period equal to that in which this Federal Constitution has been in existence, these numbers will increase to more than two millions within Virginia; when our sister States are closing their doors upon our blacks for sale, and when our whites are moving westwardly in greater numbers than we like to hear of; when this, the fairest land on all this continent, for soil, and climate, and situation, combined, might become a sort of garden spot, if it were worked by the hands of white men alone, *can we*, ought we, to sit quietly down, fold our arms, and say to each other, "Well, well, this thing will not come to the worst in our day; we will leave it to our children, and our grandchildren, and great-grandchildren, to take care of themselves, and to brave the storm." Is this to act like wise men? Heaven knows we are no fanatics—we detest the madness which actuated the *Amies des Noirs*; but something *ought* to be done. Means, sure but gradual, systematic but discreet, ought to be adopted, for reducing the mass of evil which is pressing upon the South, and will still more press upon her, the longer it is put off. We ought not to shut our eyes, nor avert our faces, and, though we speak almost without a hope that the committee of the Legislature will do anything at the present session to meet this question, yet we say now, in the utmost sincerity of our hearts, that our wisest men cannot give too much of their attention to this subject, nor can they give it too soon.

I shall give only a few extracts from the debate. It will be found in full in the *Richmond Enquirer* for 1832, in the State Department.

Mr. Moore, of Rockbridge, said: \* \* \* Permit me, now, sir, to direct your attention to some of the evil consequences of slavery, by way of argument in favor of our maturely deliberating on the whole subject, and adopting some efficient measures to remove the cause from which those evils spring. In the first place, I shall confine my remarks to such of those evils as affect the white population exclusively. And even in that point of view, I think that slavery, as it exists among us, may be regarded as the *heaviest* calamity which has ever befallen any portion of the human race. If we look back through the long course of time which has elapsed since the creation to the present moment, we shall scarcely be able to point out a people whose situation was not,



in many respects, preferable to our own, and that of the other States in which negro slavery exists. True, sir, we shall see nations which have groaned under the yoke of despotism, for hundreds and thousands of years; but the individuals composing those nations have enjoyed a degree of happiness, peace, and freedom from apprehension, which the holders of slaves in this country can never know. \* \* \* If, sir, we compare the face of the country in Virginia with that of the Northern States, we shall find the result greatly to the advantage of the latter. We shall see the Old Dominion, though blessed by nature with all the advantages of a mild climate, a fruitful soil, and fine navigable bays and rivers, generally declining in all that constitutes national wealth. In that part of the State below tide-water, the whole face of the country wears an appearance of almost utter desolation, distressing to the beholder. Tall and thick forests of pines are everywhere to be seen encroaching upon the once cultivated fields, and casting a deep gloom over the land, which looks as if nature mourned over the misfortunes of man.

Mr. Rives, of Campbell, said: \* \* \* On the multiplied and desolating evils of slavery he was not disposed to say much. The curse and deteriorating consequences were within the observation and experience of the members of the House and the people of Virginia, and it did seem to him that there could not be two opinions about it. But there were strong objections to discussing this branch of the subject in its details, and he would content himself with giving a brief attention to the strange political effects produced by the existence of this unnatural connection of master and slave, &c., &c.

Mr. Powell said: \* \* \* I can scarcely persuade myself that there is a solitary gentleman in this House who will not readily admit that slavery is an evil, and that its removal, if practicable, is a consummation most devoutly to be wished. I have not heard, nor do I expect to hear, a voice raised in this Hall to the contrary. Sir, the gentleman from Buckingham a few days ago sketched to us, and sketched it, too, with a masterly hand, a picture of the withering and blighting effects of slavery. That picture is before this House, and I will not attempt to add to it a shade, or another tint; I will not, sir, lest, instead of adding to its effect, I might, with a less skillful hand, diminish it. Sir, Virginia, the much-loved, the venerated mother of us all, from being the first State in this great Confederacy, is now the third, possibly the fourth; and her declining fortunes have long been the source of melancholy reflection to her patriotic sons. What, sir, is the cause of this decline? Whatever others may think, to my mind it is clear that the answer to this interrogatory is, her slave population. *Hinc illæ lachrymæ.* Here lies the source of all her misfortunes. This is the clog that has weighed her down, and prevented her onward march *pari passu* with her sister States, in their career of improvement.

Mr. Preston said: \* \* \* Sir, Mr. Jefferson, whose hand drew the preamble to the Bill of Rights, has eloquently remarked that we had invoked for ourselves the benefit of a principle which we had denied to others. He saw and felt that slaves, as men, were embraced within this principle.

Mr. Summers, of Kanawha. \* \* \* But, sir, the evils of this system cannot be enumerated. It were unnecessary to attempt it. They glare upon us at every step. When the owner looks to his wasted estate, he knows and feels them. When the statesman examines the condition of his country, and finds her moral influence gone, her physical strength diminished, her physical power waning, he sees and must confess them. They may be viewed, written on the nation's map. Contrast the condition of the Southern States with that which those of the Northern and Middle present. Examine them in relation to general education, the state of their agriculture, manufactures, foreign and domestic commerce—you have here the problem worked out on a large scale. \* \* \* Sir, we should take courage from the goodness of the cause in which we are engaged. It is one on which Heaven will smile. We shall not be left unaided in our exertions. Slavery is a national calamity. Such it has been regarded by those who are entirely free from the evil. Nine of the non-slaveholding States have generously offered to the South the common treasury for the removal of this common evil. Such, too, was the purport of the resolutions submitted to the Senate of the United States by Rufus King, at the close of his long and useful public life.

*Extract from the speech of John A. Chandler, of Norfolk County.*

It is admitted by all who have addressed this House, that slavery is a curse, and an increasing one. That it has been destructive to the lives of our citizens, history, with unerring truth, will record. That its future increase will create commotion, cannot be doubted.

The time, then, sir, has arrived, when the *salus populi* applies, and every consideration of patriotism requires us to act upon it. This principle—this fundamental principle, the safety of the people—embraces not only, the present race, but posterity also. The gentleman from Brunswick, with great force and eloquence, has insisted that the master has property, not only in the female slave, but in the issue, *ad infinitum*. And, sir, we have an interest, not only in our own welfare, but in that of our posterity. We are bound to legislate for them as well as for ourselves.

This principle, that posterity are interested in the acts of their ancestors, is recognised in the Bill of Rights, in the very first section of it. That instrument is hallowed by its antiquity—by the double confirmation of the people of this Dominion. I may say, it is superior to the Constitution itself, as that professes to be based upon the Bill of Rights.

What says that instrument? "That man has certain inalienable rights, of which, when he enters into society, he cannot by any compact deprive his *posterity*; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and of pursuing and obtaining happiness and safety." Has slavery interfered with our means of enjoying life, liberty, property, happiness, and safety? Look at Southampton. The answer is written in letters of blood, upon the floors of that unhappy county. Under these circumstances, may we not inquire into the right of our ancestors to inflict this curse upon us, seeing that it has interfered so essentially with the first article of the Bill of Rights?

But, sir, will this evil—this curse—not increase? Will not the life, liberty, prosperity, happiness, and safety, of those who may come after us be endangered, in a still greater degree, by it? How, then, can we reconcile it to ourselves, to fasten this upon them? Do we not endanger our very national existence, by entailing slavery upon them?

Sir, the gentleman from Brunswick very emphatically asked, "Are not our slaves our property?" And the gentleman from Dinwiddie, sustaining his position, said, in that integrity and firmness which characterizes all his actions, that he would own no property respecting which he was afraid to show his title papers. He even invited discussion upon this question of title to slaves as property. As a *Virginian*, I do not question the master's title to his slave; but I put it to the gentleman, as a man, as a moral man, as a Christian man, whether he has not some doubt of his claim being as *absolute and unqualified* as that of other property? I do this, not for the purpose of raising an argument to sustain the power of the Legislature to remove them, which I think I have satisfactorily shown, but mainly to call his attention to the title, that if a doubt as to that should be created, it may operate in some measure in withdrawing opposition to the removal of the slaves. Let us, sir, in the investigation of this title, go back to its origin. *Whence came the slaves into this country? From Africa. Were they free men there? At one time they were. How came they to be converted into slaves? By the stratagem of war and the strong arm of the conqueror; they were vanquished in battle, sold by the victorious party to the slave trader, who brought them to our shores, and disposed of them to the planter of Virginia. Had the conqueror an absolute and unqualified right to them?*

The gentleman from Campbell, [Mr. Daniel,] in arguing this part of the subject, stated that ancient authors insisted upon two modes by which a free man might become a slave, viz: by voluntary compact, and by conquest; but he was in the end compelled, by the course of his reasoning, to admit that those doctrines have been exploded by modern writers. If, then, liberty, rightfully, cannot be converted into slavery, may I not question whether the title of the master to the slave is absolute and

unqualified, and beyond the disposition of the Government? In general cases, the derivative title cannot be better than the primitive. If the warrior had no absolute right to the person of his captive, may there not be some doubt whether the Virginia planter has an unqualified one?

What, sir, would be thought, at the present day, if an elephant were taken, by force or fraud, from its true owner, on the coast of Africa, and brought to our country, and an individual, knowing of the circumstance, were to purchase it—would it not be said that he participated in the crime? Would not the old adage, "that the receiver of stolen goods is as bad as the thief," apply? And, sir, is the reasoning different when the subject is a human being—when a man has been taken, by force or fraud, from his native shore, and sold in your market? It may be said that our ancestors did not know the circumstances under which the slave lost his liberty. I hope they did not. It will, in some measure, extenuate the crime, but cannot enhance the title. The truth is, that our ancestors had no title to this property, and we have acquired it only by legislative enactments, sanctioned by the necessity of the case.

It may be argued, that length of time has created a title. Some thirty years ago, a frigate, which had been captured from the French by the valor and skill of our gallant tars, after having been brought into port, was refitted, and sailed on a cruise; she has never been heard of since. Imagine, for a moment, that it was now announced to this nation that the ship had foundered on the coast of Africa, and her crew, or part of them, were alive, slaves to some petty monarch in that country. Think you, sir, that we would listen to the plea of length of time? No; the voice of a mighty people, with resistless force, would proclaim that freemen can never be made slaves, and the hum of preparation to demand our long-lost brethren, would soon resound throughout the land. And, sir, but for the degradation and absence of nationality in Africa, one of the most interesting principles of international law might be presented to the American people, which has ever engaged the attention of the statesman—a principle that would be advocated by the good and wise throughout the Union. Were Africa erected into a sovereign and independent State, and recognised as a nation by the potentates of the world, to make a demand upon our Government for her long-lost and enslaved children, accompanied with a recital of all the circumstances of fraud by which they were taken from their native country, it would present a claim too strong to be discussed—a demand too just to be denied by the free-born sons of Virginia. These reflections I have thrown out, Mr. Speaker, in the hope that, if masters of slaves should perceive some defect in their title, they may be inclined "to let them go."

I have, Mr. Speaker, entered into but few statistical details; the course of my argument,

I trust, made it unnecessary. One estimate, however, I will mention; it is this: that if the slave population increases as it has done for some years past, in the year 1880—less than fifty years hence—there will be, in the seven States of Virginia, North and South Carolina, Georgia, Louisiana, Alabama, and Mississippi, something more than 5,000,000 of slaves, of which Virginia alone will possess largely upwards of 1,000,000—an amount too great, too appalling, for a statesman not to apprehend *some danger from*. I acknowledge, I tremble for the fate of my country at some future day, “unless we do something!”

*Extracts from the speech of Thomas J. Randolph, of Albemarle.*

I will quote, in part, the statistics of the gentleman from Dinwiddie, whose accuracy cannot be questioned. Judging the future by the past, in forty years the colored population in Eastern Virginia will exceed the white 200,000. In the last forty years, the whites in the same district have increased 51 per cent., the blacks 186 per cent. Forty years ago, the whites exceeded the colored 25,000; the colored now exceeds the whites 81,000—a net gain of the blacks over the whites, in forty years, of 106,000; and these results, too, during an exportation of near 260,000 slaves since the year 1790—now perhaps the fruitful progenitors of half a million in other States. By reference to Document No. 16, on your table, you will perceive that, in the year 1830, of that part of the population of ten years old and under, the blacks exceed the whites 26 per cent.; over that age, only 3 per cent. What a change will not eighteen years make for the worse, when those children shall be grown; what a change will not forty years, with its geometrical progression, evolve, when they shall become fathers and mothers, and some of them grandmothers? If exportation ceases, some of those now within the hearing of my voice may live to see the colored population of Virginia 2,000,000, or 2,500,000; children now born may live to see them 3,000,000, determining their increase by their average increase in the United States in the last forty years.

Sir, is not this the case of the *salus populi*, demonstrated to exist in the certain future? Who will be so hardy as to assert that, when the time arrives, a remedy can be applied? Who will say that 2,000,000 can be attempted to be removed? They will say to you, long before that, “We will not go.” Here, sir, applies that wise maxim of the law, “*Venienti occurrere morbo*,” (meet the coming ill.)

The gentleman has spoken of the increase of the female slaves being a part of the profit. It is admitted; but no great evil can be averted, no good attained, without some inconvenience. It may be questioned how far it is desirable to foster and encourage this branch of profit. It is a practice—and an increasing practice in parts of Virginia—to rear slaves for market. How can an honorable mind, a patriot, and a

lover of his country, bear to see this ancient Dominion, rendered illustrious by the noble devotion and patriotism of her sons to the cause of Liberty, converted into one grand menagerie, where men are to be reared for market like oxen in the shambles? Is it better—is it not worse—than the slave trade—that trade which enlisted the labor of the good and the wise of every creed and every clime to abolish it? The trader receives the slave—a stranger in language, aspect, and manner—from the merchant, who has brought him from the interior. The ties of father, mother, husband, and child, have all been rent in twain. Before he receives him, his soul has become callous.

But here, sir, individuals, whom the master has known from infancy, with whom he has been sporting in the innocent gambols of childhood, who has been accustomed to look to him for protection, he tears from the mother's arms, and sells into a strange country, among strange people, subject to cruel taskmasters. In my opinion, sir, it is much worse.

He has compared slave property to a capital in money. I wish it were money, sir, or anything else than what it is. It is not money; it is labor—it is the labor which produces that for which money is the representative. The interest on money is 4 to 6 per cent. The hire of male slaves is about 15 per cent. upon their value. In ten years, or less, you have returned your principal, with interest. Thus it is with much of the one hundred millions of property, the loss of which the gentleman has so eloquently depicted in ruining the country. He has attempted to justify slavery here, because it exists in Africa, and has stated that it exists all over the world. Upon the same principle, he could justify Mahometanism, with its plurality of wives, petty wars for plunder, robbery, and murder, or any other of the abominations and enormities of savage tribes. Does slavery exist in any part of civilized Europe? *No, sir, in no part of it.* America is the only civilized Christian nation that bears the opprobrium. In every other country, where civilization and Christianity have existed together, they have erased it from their codes, they have blotted it from the page of their history.

The gentleman has appealed to the Christian religion in justification of slavery. I would ask him upon what part of those pure doctrines does he rely, to which of those sublime precepts does he advert, to sustain his position? Is it that which teaches charity, justice, and good will to all; or is it that which teaches, “that ye do unto others as ye would they should do unto you?”

*Extracts from the speech of Henry Berry, of Jefferson.*

Sir, I believe that no cancer on the physical body was ever more certain, steady, and fatal in its progress, than is the cancer on the political body of the State of Virginia. It is eating into her very vitals. And shall we admit

that the evil is past remedy? Shall we act the part of a puny patient, suffering under the ravages of a fatal disease, who would say the remedy is too painful, the dose too nauseous, I cannot bear it; who would close his eyes in despair, and give himself up to death? No, sir; I would bear the knife and the cautery, for the sake of health.

I believe it is high time that this subject should be discussed and considered by the people of Virginia. I believe that the people are *awakened* on the subject, but not *alarmed*; I believe they will consider it calmly, and decide upon it correctly. Sir, I have no fears, now, for any general results from any efforts at insurrection, by this unfortunate class of our population. I *know* that we have the power to crush any such effort at a blow. I know that any such effort on their part, at this day, will end in the annihilation of all concerned in it; and I believe our greatest security now, is in their knowledge of these things—in their knowledge of their own weakness.

Pass as severe laws as you will, to keep these unfortunate creatures in ignorance, it is vain, unless you can extinguish that spark of intellect which God has given them. Let any man who advocates slavery, examine the system of laws which we have adopted (from stern necessity, it may be said) towards these creatures, and he may shed a tear upon *that*; and would to God, sir, the memory of it might be blotted out forever. Sir, we have, as far as possible, closed every avenue by which light might enter their minds; we have only to go one step further to extinguish the capacity to see the light, and our work would be completed; they would then be reduced to the level of the beasts of the field, and we should be safe; and I am not certain that we would not do it, if we could find out the necessary process—and that under the plea of *necessity*. But, sir, this is impossible. And can man be in the midst of freemen, and not know what freedom is? Can he feel that he has the power to assert his liberty, and will he not do it? Yes, sir; with the certainty of the current of time will he do it, whenever he has the power. Sir, to prove that the time will come, I need offer no other argument than that of arithmetic, the conclusions from which are clear demonstrations on this subject. The data are before us all, and every man can work out the process for himself. Sir, a death-struggle must come between the two classes, in which the one or the other will be extinguished forever. Who can contemplate such a catastrophe as even possible, and be indifferent?

*Extract from the speech of Thomas Marshall, of Fauquier.*

Wherefore, then, object to slavery? Because it is ruinous to the whites—retards improvement, roots out an industrious population, banishes the yeomanry of the country, deprives the spinner, the weaver, the smith, the shoemaker, the carpenter, of employment and

support. The evil admits of no remedy. It is increasing, and will continue to increase, until the whole country will be inundated with one black wave, covering its whole extent, with a few white faces here and there floating on the surface. The master has no capital but what is vested in human flesh; the father, instead of being richer for his sons, is at a loss to provide for them. There is no diversity of occupations, no incentive to enterprise. Labor of every species is disreputable, because performed mostly by slaves. Our towns are stationary, our villages almost everywhere declining; and the general aspect of the country marks the curse of a wasteful, idle, reckless population, who have no interest in the soil, and care not how much it is impoverished. Public improvements are neglected, and the entire continent does not present a region for which nature has done so much, and art so little.

*Extracts from the speech of James McDowell, jr., of Rockbridge.*

Who, sir, that looks at this property as a legislator, and marks its effect upon the national advance, but weeps over it as the worst of patrimonies? Who that looks to this unhappy bondage of our unhappy people in the midst of our society, and thinks of its incidents and its issues, but weeps over it as a curse upon him who inflicts as upon him who suffers it?

If I am to judge from the tone of our debate, from the concessions on all hands expressed, there is not a man in this body—not one, perhaps, that is even represented here—who would not have thanked the generations that have gone before us, if, acting as *public* men, they had brought this bondage to a close—who would not have thanked them, if, acting as private men, on private notions, they had relinquished the property which their mistaken kindness has devolved upon us. Proud as are the names, for intellect and patriotism, which enrich the volumes of our history, and reverentially as we turn to them at this period of waning reputation, that name, that man, above all parallel, would have been the chief, who could have blotted out this curse from his country—those, above all others, would have received the homage of an eternal gratitude, who, casting away every suggestion of petty interest, had broken the yoke which in an evil hour had been imposed, and had translated, as a *free man*, to another continent, the outcast and the wretched being who burdens ours with his presence, and defiles it with his crimes.

But, sir, it has been otherwise appointed. Slavery has come down to us from our fathers; and the question now is, shall we, in turn, hand it over to our children—hand it over to them, aggravated with every attribute of evil? Shall we perpetuate the calamity we deplore, and become to posterity the objects, not of kindness, but of cursing?

Sir, you may place the slave where you please—you may dry up, to your utmost, the

fountains of his feelings, the springs of his thought—you may close upon his mind every avenue to knowledge, and cloud it over with artificial night—you may yoke him to your labor, as an ox which liveth only to work, and worketh only to live—you may put him under any process, which, without destroying his value as a slave, will debase and crush him as a rational being—you may do this, and the idea that he was born to be free will survive it all. It is allied to his hope of immortality—it is the ethereal part of his nature, which oppression cannot reach—it is a torch lit up in his soul by the hand of the Deity, and never meant to be extinguished by the hand of man. \* \* \*

If gentlemen do not see nor feel the evil of slavery whilst this Federal Union lasts, they will see and feel it when it is gone; they will see and suffer it then, in a magnitude of desolating power, to which the "pestilence that walketh at noonday" would be a blessing—to which the malaria that is now threatening extinction to the "eternal city," as the proud one of the Pontiffs and the Cæsars is called, would be as refreshing and as balmy as the first breath of spring to the chamber of disease.

It has been frankly and unquestionably declared, from the very commencement of this debate, by the most decided enemies of abolition themselves, as well as others, that this property is an "*evil*"—that it is a dangerous property. Yes, sir; so dangerous has it been represented to be, even by those who desire to retain it, that we have been reproached for speaking of it otherwise than in fireside whispers—reproached for entertaining debate upon it in this Hall; and the discussion of it with open doors, and to the general ear, has been charged upon us as a climax of rashness and folly, which threatens issues of calamity to our country. It is, then, a dangerous property. No one disguises the danger of this property—that it is inevitable, or that it is increasing. How, then, is the Government to avert it? By a precautionary and preventive legislation, or by permitting it to "grow with our growth" until it becomes intolerable, and then correcting it by the sword? In the one way or the other—by the peaceful process of legislation or the bloody one of the bayonet—our personal and public security must be maintained against the dangers of this property.

[After meeting, in an impressive and dignified manner, the facetious remarks of another member of the House, who considered the insurrection as a "*petty affair*," and wished, by his wit, to turn the whole scene into ridicule, J. McDowell read a number of extracts from letters, written by and to the most distinguished characters in the State, respecting the dismay and terror which almost universally pervaded the minds of the citizens in every part of the State. He then proceeded:]

Now, sir, I ask you—I ask gentlemen—in conscience to say, was this a "*petty affair*?" I ask you whether that was a petty affair which startled the feelings of your whole population;

which threw a portion of it into alarm—a portion of it into panic; which wrung out from an affrighted people the thrilling cry, day after day conveyed to your Executive, "We are in peril of our lives, send us arms for defence." Was that a "*petty affair*," which drove families from their homes, which assembled women and children in crowds, and without shelter, at places of common refuge, in every condition of weakness and infirmity, under every suffering which want and pain and terror could inflict, yet willing to endure all—willing to meet death from famine, death from climate, death from hardships—preferring anything, rather, to the horrors of meeting it from a domestic assassin? Was that a "*petty affair*," which erected a peaceful and confiding portion of the State into a military camp; which outlawed from pity the unfortunate beings whose brothers had offended; which barred every door, penetrated every bosom with fear or suspicion; which so banished every scene of security from every man's dwelling, that, let a hoof or a horn but break upon the silence of the night, and an aching throb would be driven to the heart, the husband would look to his weapon, and the mother would shudder and weep upon her cradle!

Was it the fear of Nat Turner, and his deluded drunken handful of fellows, which produced, or could produce, such effects? Was it this that induced distant counties, where the very name of Southampton was strange, to arm and equip for a struggle? No, sir; it was the suspicion eternally attached to the slave himself—the suspicion that a Nat Turner might be in every family; that the same bloody deed could be acted over at any time, and in any place; that the materials for it were spread through the land, and always ready for a like explosion. Nothing but the force of this withering apprehension—nothing but the paralyzing and deadening weight with which it falls upon and prostrates the heart of every man who has helpless dependents to protect—nothing but this could have thrown a brave people into consternation, or could have made any portion of this powerful Commonwealth, for a single instant, to have quailed and trembled.

This Commonwealth, in the late war, stood the shock of England's power, and the skill of England's veterans, with scarce a moment of public disquiet. Admiral Cockburn, with his incendiary spirit, and backed by his incendiary myrmidons, alarmed not the State—struck no fear into its private families; and had his spirit been ten-fold more savage than it was, and his army an hundred-fold stronger, and had he plied every energy and pledged every faculty of his soul to the destruction of the State, he could not have produced one moment of that terror for private security which seizes upon all at the cry of insurrection. He would have been our enemy in the field, would have warred an open combat with the disciplined and the gallant of the land. But an insurgent enemy wars at the fireside, makes his battle-ground in the

chamber, and seeks, at the hour of repose, for the life of the slumbering and the helpless. No wonder, sir, that the gentleman from Brunswick, [Mr. Gholson,] with his sensibilities aroused by the acts and the full energies of such an enemy as this, should have said that "they filled the mind with the most appalling apprehensions." \* \* \*

Why, from the earliest period of our history to the massacre of Southampton, was a silence, deep and awful as that of death, observed upon this subject? Why was it forbidden in legislative debate or to the public press, and spoken only in mysterious whispers around the domestic hearth? Because a sense of security required, or was thought to require, this course. Why, sir, is this mystery now dispelled? Why has the grave opened its "ponderous and marble jaws?" Why is the subject openly and freely discussed, in every place and under every form? Because a general sense of *insecurity* pervades the land, and our citizens are deeply impressed with the belief that something must be done. The numerous petitions and memorials which crowd your table furnish abundant evidence of this truth. They may mistake the remedy, but they indicate most clearly that some action is imperiously required at our hands—that the evil has attained a magnitude which demands all the skill and energy of prompt and able legislation. It is contended, on the other hand, that nothing efficient can be accomplished, and that any proceedings by this Legislature will reduce the value of property, and endanger the security of the people. With respect to the first consideration, he would say that the price of property can never be injuriously affected by a system which would operate on that portion only of the slaves who belong to masters desirous to liberate them, or to sell them for their own benefit, at a reduced price. The effect, if any, upon the residue, must be to enhance their value. As to the other and more serious objection, he would remark that it constitutes and must forever constitute, an obstacle to abolition, requiring all the wisdom and discretion of Legislature and people; but the removal of free blacks, or the purchase and deportation of slaves, can involve no danger. If, indeed, the whole fabric shall totter to its fall, when touched by the gentlest hand, it must rest on a precarious foundation. If danger lurks under just, benignant legislation, aiming to relieve both master and slave—to combine justice with humanity—will the period ever come when it will be safe to act?

But, admitting the subject cannot be approached without danger now, the great question for us to determine is, whether, by delay, it may not become fearfully worse, and in process of time attain a magnitude far transcending our feeble powers. We owe it to our children to determine whether we or they shall incur the hazard of attempting something. Gentlemen say, let things alone; the evil will correct itself. Sir, we may let things alone, but they will not let us alone. We cannot correct the march of time, nor stop the cur-

rent of events. We cannot change the course of nature, nor prevent the silent but sure operation of causes now at work.

*Extracts from the speech of Philip A. Bolling, of Buckingham.*

The time will come—and it may be sooner than many are willing to believe—when this oppressed and degraded race cannot be held as they now are—when a change will be effected, by means abhorrent, Mr. Speaker, to you, and to the feelings of every good man.

The wounded adder will recoil, and sting the foot that tramples upon it. The day is fast approaching, when those who oppose all action upon this subject, and, instead of aiding in devising some feasible plan for freeing their country from an acknowledged curse, cry "*impossible*" to every plan suggested, will curse their perverseness and lament their folly.

Those gentlemen who hug slavery to their bosoms, and "roll it as a sweet morsel under their tongues," have been very lavish in their denunciations of all who are for stirring one inch on this subject.

There is, sir, a "still, small voice," which speaks to the heart of man in a tone too clear and distinct to be disregarded. It tells him that every system of slavery is based upon injustice and oppression. If gentlemen disregard it now, and lull their consciences to sleep, they may be aroused to a sense of their danger when it is too late to repair their errors.

However the employment of slave labor might be defended, gentlemen would not, *could* not, justify the traffic in human beings. High-minded men should disdain to hold their fellow-creatures as articles of traffic, disregarding all the ties of blood and affection, tearing asunder all those sympathies dear to men—dividing husbands and wives, parents and children, as they would cut asunder a piece of cotton cloth. They have hearts and feelings like other men. How many a broken heart, how many a Rachel, mourns because her house is left unto her desolate! The time has come when these feelings could not be suppressed—the day would come when they could not be resisted. Slavery was, and had long been, offensive to the moral feelings of a large proportion of the community. Their lips had been sealed, but their minds had been unfettered; many had thought, and thought deeply, on the subject. This, sir, is a Christian community. They read in their Bibles, "*Do unto all men as you would have them do unto you;*" and this golden rule and slavery are hard to reconcile. Gentlemen may, perhaps, curl the lip of scorn at such considerations; but such a feeling existed in Virginia.

*Extracts from the speech of Mr. Brodnax, of Dinwiddie.*

That slavery in Virginia is an evil, and a transcendent evil, it would be idle, and more than idle, for any human being to doubt or deny. It is a mildew which has blighted in



its course every region it has touched, from the creation of the world. Illustrations, from the history of other countries and other times, might be instructive and profitable, had we the time to review them; but we have evidences tending to the same conviction nearer at hand, and accessible to daily observation, in the short histories of the different States in this great Confederacy, which are impressive in their admonitions and conclusive in their character. That Virginia—originally the first-rated State in the Union—the one which, in better days, led the councils and dictated the measures of the Federal Government, had been gradually *razed* to the condition of a third-rate State, and was destined soon to yield precedence to another, among the youngest of her daughters; that many of the finest portions, originally, of her territory, now (as was so glowingly depicted the other day) exhibited scenes of wide-spread desolation and decay; that many of her most valuable citizens are removing to other parts of the world—have certainly been attributed to a variety of causes. But who can doubt that it is principally *slavery* that is at the bottom of all—that this is the *incubus* which paralyzes her energies and retards her every effort at advancement? I presume that everybody is prepared to admit and regret the existence of this evil, and that *something* should be done to alleviate or exterminate it, *if anything can be done*, by means less injurious or dangerous than the evil itself. But, sir, it is on this point on which so much diversity of opinion exists among us. All *would* remove it, if they *could*. Some seem to think this immediately and directly attainable, while others conclude that it is a misfortune (not a crime, for we are not responsible for its introduction among us) which no effort can remove or reduce, and that we must content ourselves to submit to it forever, and avert our eyes from the consequences which are hereafter to follow.

Believing, however, that there is an entire coincidence of public opinion on the preliminary question involved, I deem it useless to enter into a long abstract discussion of the origin of slavery, or the evil effects which result from it. All will admit its extinction *desirable*, if attainable.

*Extracts from a speech of Hon. Chas. J. Faulkner, now a member of the House of Representatives, delivered in the Virginia House of Delegates, January 20th, 1832.*

Sir, there is one point in which I do most sincerely agree with those who are arrayed against me in this discussion. It is, that the proposed inquiry is one of great delicacy and of transcendent importance. I will go further, and say it is, in my judgment, the most momentous subject of public interest which has ever occupied the deliberations of this body. Indeed, sir, (if I may be pardoned the extravagance of the expression,) I will say, notwithstanding the horror with which the inquiry is regarded by some gentlemen, it is the only

subject which at this time, and under the present attitude of affairs in Virginia, is worthy of the serious gravity of legislation. When and upon what previous occasion did a question so grand, so all-pervading in its consequences, absorb the consideration of this House? The Revolution which agitated this Commonwealth fifty years ago, great and important as it was, involved in its results but a change of our political relations with the mother country. This measure (should it prove successful, and that it must, sooner or later, no individual in this House can reasonably doubt) must involve in its consequences a moral, physical, and political revolution in this State—a revolution which will be beneficially felt by every great interest in the Commonwealth, and by every slaveholding State upon this continent. Sir, I care not what may be the feelings of other gentlemen, but I glory that it is given to me to participate in this measure. I shall ever reckon it among the proudest incidents of my life, that I have contributed my feeble aid to forward a revolution so grand and patriotic in its results. But, sir, at the same time that I do accord with those gentlemen who have preceded me in this debate, on the opposite side of the question, in the all-absorbing magnitude of the topic under consideration, I cannot think, with them, that on that account it is not a *fit* subject of inquiry. Its very importance appeals to us, and demands inquiry. Let that inquiry be cautious; let it be deliberate; let it be guarded; above all, let it be conducted with a sacred regard to the rights of private property, so far at least as those rights can, upon an occasion of this sort, be legitimately recognised. But, still, let the inquiry go on. *THE PEOPLE demand it*—their safety requires it. Mystery in State affairs I have always considered impolitic and unwise. It is unsuited to the genius of this Government, which is based upon the right of the people to a free and full examination of whatever concerns their interest and happiness. Sir, they pay you for your counsel—they have a right to it. If there be danger, let us know it, and prepare for the worst. If slavery can be eradicated, in God's name let us get rid of it. If it cannot, let that melancholy fact be distinctly ascertained; and let those who we have been told are now awaiting with painful solicitude the result of your deliberation, pack up their household goods, and find among the luxuriant forests and prairies of the West that security and repose which their native land does not afford.

Again, sir, I ask, what new fact has occurred—what new light has dawned upon the gentleman from Mecklenburg—that we should be called upon to retrace our course, and to disappoint the hopes which our first manly decision gave? Does not the same evil exist? Is it not increasing? Does not every day give it permanency and force? Is it not rising like a heavy and portentous cloud above the horizon, extending its deep and sable volumes athwart the sky, and gathering in its impetuous folds the active materials of elemental



war? And, yet, shall we be requested to close our eyes to the danger, and without an effort—without even an inquiry—to yield to the impulses of a dark and withering despair? Sir, is this manly legislation? Is it correct—is it HONEST—legislation? Is it acting with that fidelity to our constituents which their sacred interest requires?

Sir, if this evil, great as it is, was even stationary—if the worthy gentleman from Mecklenburg and Brunswick [Mr. Gholson] could give us any assurance that it would not increase until it reaches a point which it is horrible to contemplate—I might be induced to acquiesce in the course which their pathetic appeals suggest. But, when they know it is otherwise—when they know that each successive billow is detracting from the small space of ground left between us and the angry ocean chafing at our feet—how can they advise us—how can they advise their own constituents—to remain still, when the next advancing wave may overwhelm them and us in hopeless ruin and desolation?

Sir, if the gentleman from Mecklenburg was not satisfied when he submitted his resolution, he must *now* be convinced that this is one of those questions which no parliamentary adroitness can smother. The spirit of free inquiry is abroad upon the earth; and Governments and all the institutions connected with them must be sustained, not by any mystical and superstitious reverence for them, *as existing institutions*, but as they are ascertained, after a severe and searching scrutiny, to subvert the great ends of POPULAR *welfare*. The same question which is now convulsing Europe to its centre—which is purifying that most gifted country from the despotism which has for so many centuries hung over it—is, in a somewhat modified shape, operating upon the present inquiry. As with them, it is asked, Why have we so long tolerated the unequal and oppressive institutions of our country? Why have we suffered ourselves to be ground into dust, that others may be pampered in luxury and ease? Of what use are crowns and hereditary aristocracies? Do they answer any great end of society? Do they conduce to the happiness of the PEOPLE? So with us the inquiry must be, Is slavery a beneficial institution? Is the prosperity of a nation promoted by nourishing within her bosom half a million of bondsmen, alien to her in interest, hostile to her in feeling, and prepared, at any favorable moment, to deluge the country in blood, and dance upon the ruins of Public Liberty? In other words, Are we better with or without slaves? It must come to that point at last. If slavery can be sustained as an institution conducive to the great interests of society, it will be tolerated; if not, it must bow before the majesty of that power which is supreme. But, sir, vain and idle is every effort to strangle this inquiry. As well might you attempt to chain the ocean, or stay the avenging thunderbolts of Heaven, as to drive the people from any inquiry which may result in their better condition. This is

too deep, too engrossing a subject of consideration. It addresses itself too strongly to our interests, to our passions, and to our feelings. There is not a county, not a town, not a newspaper, not a fireside, in the State, where the subject is not fully and fearlessly canvassed; and shall we, the constitutional inquest of the Commonwealth, sworn to make a true inquiry into all the grievances of the people, and to the best of our abilities apply the remedy, shall we alone be found to shrink from this inquiry? And here permit me to advert to a remark which fell (I am sure inadvertently) from the gentleman from Brunswick. Because, forsooth, in asking this inquiry, we have chosen to depart from the folly of our ancestors, and to discuss this question—not with closed doors; not in low and breathless whispers; not with all the mummery of an Oriental Divan—we have been told that we are treating the subject “flippantly”—not as was done in the *better days* of the Commonwealth. If flippancy, sir, in the vocabulary of that gentleman, signifies a free and open discussion of that which concerns the people, and which they have a right to know, I plead guilty to this charge—most certainly not otherwise.

Sir, uniformity in political views, feelings, and interests, in all the parts of this widely-extended State, would, I admit, be extremely desirable. But that uniformity is purchased at too dear a rate, when the bold and intrepid forester of the West must yield to the slothful and degraded African, and those hills and valleys which until now have re-echoed with the songs and industry of freemen shall have become converted into desolation and barrenness by the withering footsteps of slavery.

Sir, it is to avert any such possible consequence to my country, that I, one of the humblest, but not the least determined, of the Western delegation, have raised my voice for emancipation. Sir, tax our lands, vilify our country, carry the sword of extermination through our now defenceless villages; but spare us, I implore you, spare us the curse of slavery, that bitterest drop from the chalice of the destroying angel!

Sir, we have lands, we have houses, we have property, and we are willing to pledge them all to any extent, to aid you in removing this evil. Yet, we will not that you shall extend to us the same evils under which you labor. We will not that you shall make our fair domain the receptacle of your mass of political filth and corruption. No, sir; before we can submit to such terms, violent convulsions must agitate this State.

The gentleman from Brunswick and the gentleman from Dinwiddie hold their slaves, not by any law of nature, not by any patent from God, as the latter gentleman on yesterday assumed, but solely by virtue of the acquiescence and consent of the society in which they live.

But, sir, it is said that society having conferred this property on the slaveholder, it cannot *now* take it from him without an adequate

compensation, by which is meant full value. I may be singular in the opinion, but I defy the legal research of the House to point me to a principle recognised by the law, even in the ordinary course of its adjudications, where the community pays for property which is removed or destroyed because it is a nuisance, and found injurious to that society. There is, I humbly apprehend, no such principle. There is no obligation upon society to continue your right one moment after it becomes injurious to the best interests of society; nor to compensate you for the loss of that, the deprivation of which is demanded by the safety of the State, and in which general benefit you participate as members of the community. Sir, there is to my mind a manifest distinction between condemning private property to be applied to some beneficial public purpose, and condemning or removing private property which is ascertained to be a positive wrong to society. It is a distinction which pervades the whole genius of the law; and is founded upon the idea, that any man who holds property injurious to the peace of that society of which he is a member, thereby violates the condition upon the observance of which his right to the property is alone guaranteed. For property of the first class condemned, there ought to be compensation; but for property of the latter class, none can be demanded upon principle, none accorded as a matter of right, although considerations of policy, considerations of humanity, and a spirit of compromise, may dictate some compensation.

Sir, does not that plan of emancipation which proposes freedom at a future period, and which guaranties to the slaveholder the present enjoyment and profit of that most pernicious species of property, contain within itself a principle of compensation—a fair and just proposition of compromise? I think it does, and I exhibit my views thus: It is conceded that, at this precise moment of our legislation, slaves are injurious to the interests and threaten the subversion and ruin of this Commonwealth. Their present number, their increasing number, all admonish us of this. In different terms, and in more measured language, the same fact has been conceded by all who have yet addressed this House. "*Something must be done*," emphatically exclaimed the gentleman from Dinwiddie; and I thought I could perceive a response to that declaration, in the countenance of a large majority of this body. And why must something be done? Because if not, says the gentleman from Campbell, [Mr. Rives,] the throats of all the white people of Virginia will be cut. No, says the gentleman from Dinwiddie—"The whites cannot be conquered—the throats of the blacks will be cut." It is a trifling difference, to be sure, sir, and matters not to the argument. For the fact is conceded, that one race or the other must be exterminated.

Sir, such being the actual condition of this Commonwealth, I ask if we would not be justified now, supposing all considerations of policy

and humanity concurred, without even a moment's delay, in staying off this appalling and overwhelming calamity? Sir, if this immense negro population were now in arms, gathering into black and formidable masses of attack, would that man be listened to, who spoke about property, who prayed you not to direct your artillery to such or such a point, for you would destroy some of *his* property? Sir, to the eye of the statesman, as to the eye of Omniscience, dangers pressing, and dangers that must necessarily press, are alike present. With a single glance he embraces Virginia now, with the elements of destruction reposing quietly upon her bosom, and Virginia lighted from one extremity to the other with the torch of servile insurrection and massacre. It is not sufficient for him that the match is not yet applied. It is enough that the magazine is open, and the match will shortly be applied.

Sir, it is true in national as it is in private contracts, that loss and injury to one party may constitute as fair a consideration as gain to the other. Does the slaveholder, while he is enjoying his slaves, reflect upon the deep injury and incalculable loss which the possession of that property inflicts upon the true interests of the country? And does he not perceive that society, in tolerating that evil, say for thirty years longer, *for his benefit*, is, in the shape of injury to herself and benefit to him, giving him a full and adequate compensation? It is the only compensation which, so help me God! as a slaveholder, I will ever accept from the Commonwealth of Virginia. It is the only compensation which, as a lawgiver, I will ever dispense to others.

Sir, it is, in my judgment, the true and proper ground of compromise between the slaveholding and anti-slaveholding interests of this Commonwealth; and by anti-slaveholding interest here, I mean to comprehend every interest, except that mere pecuniary interest which the master has in the property of his slave. Slavery, it is admitted, is an evil—it is an institution which presses heavily against the best interests of the State. It banishes free white labor, it exterminates the mechanic, the artisan, the manufacturer. It deprives them of occupation. It deprives them of bread. It converts the energy of a community into indolence, its power into imbecility, its efficiency into weakness. Sir, being thus injurious, have we not a right to demand its extermination? Shall society suffer, that the slaveholder may continue to gather his crop of human flesh? What is his mere pecuniary claim, compared with the great interests of the common weal? Must the country languish, droop, die, that the slaveholder may flourish? Shall all interests be subservient to one—all rights subordinate to those of the slaveholder? Has not the mechanic, have not the middle classes their rights—rights incompatible with the existence of slavery?

Sir, so great and overshadowing are the evils of slavery—so sensibly are they felt by those who have traced the causes of our na-

tional decline—so perceptible is the poisonous operation of its principles in the varied and diversified interests of this Commonwealth, that all, whose minds are not warped by prejudice or interest, must admit that the disease has now assumed that mortal tendency, as to justify the application of any remedy which, under the great law of State necessity, we might consider advisable.

Sir, I am gratified to perceive that no gentleman has yet risen in this Hall, the avowed advocate of slavery. The day has gone by when such a voice could be listened to with patience, or even with forbearance. I even regret, sir, that we should find those amongst us who enter the lists of discussion as its apologists, except alone upon the ground of uncontrollable necessity. And yet, who could have listened to the very eloquent remarks of the gentleman from Brunswick, without being forced to conclude that he at least considered slavery, however not be defended upon principle, yet as being divested of much of its enormity, as you approach it in practice?

Sir, if there be one who concurs with that gentleman in the harmless character of this institution, let me request him to compare the condition of the slaveholding portion of this Commonwealth—barren, desolate, and seared as it were by the avenging hand of Heaven—with the descriptions which we have of this same country from those who first broke its virgin soil. To what is this change ascribable? Alone to the withering and blasting effects of slavery. If this does not satisfy him, let me request him to extend his travels to the Northern States of this Union, and beg him to contrast the happiness and contentment which prevail throughout that country, the busy and cheerful sound of industry, the rapid and swelling growth of their population, their means and institutions of education, their skill and proficiency in the useful arts, their enterprise and public spirit, the monuments of their commercial and manufacturing industry; and, above all, their devoted attachment to the Government from which they derive their protection—with the division, discontent, indolence, and poverty, of the Southern country. To what, sir, is all this ascribable? To that voice in the organization of society, by which one-half of its inhabitants are arrayed in interest and feeling against the other half—to that unfortunate state of society in which freemen regard labor as disgraceful, and slaves shrink from it as a burden tyrannically imposed upon them—"to that condition of things in which half a million of your population can feel no sympathy with the society in the prosperity of which they are forbidden to participate, and no attachment to a Government at whose hands they receive nothing but injustice."

If this should not be sufficient, and the curious and incredulous inquirer should suggest that the contrast which has been adverted to, and which is so manifest, might be traced to a difference of climate, or other causes distinct

from slavery itself, permit me to refer him to the two States of Kentucky and Ohio. No difference of soil, no diversity of climate, no diversity in the original settlement of those two States, can account for the remarkable disproportion in their natural advancement. Separated by a river alone, they seem to have been purposely and providentially designed to exhibit in their future histories the difference which necessarily results from a country free from, and a country afflicted with, the curse of slavery. The same may be said of the two States of Missouri and Illinois.

Sir, if still he should hesitate in the apprehension of this important political truth, that slavery is a curse, which no local advantages can counterbalance, let me invite him back again to his native State, and point to the tragedy of Southampton. There, sir, undisguised and clear to the vision of all men, are the evils of slavery, written in blood. There may be seen a practical commentary upon that institution, as it actually exists among us. The gentleman from Dinwiddie has called it a "petty affair." It does not appear so to me. The more I reflect upon it, the more am I convinced that it is an important, a most momentous affair. Sixty-one white native inhabitants of Virginia, in a few hours, in the face of day, in a county as well protected as most of the counties east of the Blue Ridge, attacked, butchered, mangled, in a style of which the records of atrocity can scarcely furnish a parallel. This a petty affair? Sir, it may suit the modesty of those whose valor and energy suppressed that insurrection, to underrate its importance; but to the statesman, who knows that like causes will produce like effects, it must appear fraught with useful and important instruction. Let it not be said that these insurrections rarely occur, and that a similar one may not take place for half a century to come. To us, no more than to the murdered citizens of Southampton, is it given to know the day and the hour. It is sufficient that such an evil may occur; and that no vigilance of your police can prevent its recurrence.

Sir, the evils of slavery stand confessed before us. The only question with a Virginia statesman should be, Is there any remedy, and what shall that remedy be? The gentleman from Albemarle has exhibited one scheme, the gentleman from Dinwiddie has presented another. Other and perhaps less-exceptionable projects will be submitted, as soon as it is understood that we are disposed to apply some remedy. The only question now before us is, Shall we be permitted to make the inquiry? Shall we be allowed to prosecute our investigations in the select Committee? Let us manifest the will—the means will assuredly follow. I never could despair, sir, in a cause so just as this. I never could despair of accomplishing that which eight States—although, it is true, under more favorable circumstances—have already accomplished. I never could despair of doing that which the venerable fathers of our Republic have told us is not only practicable,

but have admonished us must be done, if we mean to save the Commonwealth from ruin. With a steady perseverance, failure is impossible. The sympathies and support of the world would gather around us. The smiles of Heaven and our honest feelings would sustain us.

In conclusion, Mr. Speaker, permit me again to repeat, that although I am decidedly in favor of some scheme of manumission that will ultimately relieve my country from the catastrophe which threatens it, let no gentleman suppose, from what has fallen from me, that I am in favor of any rash, violent, or hasty legislation. I am for action, but it must be sober, circumspect, well-considered action. I am for no plan which is not mild, gradual, prospective in its operation. I shall advocate no scheme that does not respect the right of property, so far as it is entitled to be respected, with a just regard to the safety and resources of the State. I would approach the subject as one of great magnitude and delicacy, as one whose varied and momentous consequences demand the calmest and most deliberate investigation. But still, sir, I would approach it—aye, delicate as it may be, encompassed as it may be with difficulties and hazards, I would still approach it. The people demand it. Their security requires it. In the language of the wise and prophetic Jefferson, "You must approach it—you must bear it—you must adopt some plan of emancipation, or worse will follow."

I next quote from the *Nashville Banner*, then the domestic organ of General Jackson:

*From the Nashville Banner of the 30th of June, 1834, then edited by the late Samuel H. Laughlin.*

"EMANCIPATION.—The agitators and fanatics of the East have been recently engaged in some highly reprehensible measures. All the sober friends of gradual and prospective emancipation, and who see the alarming and horrid consequences of immediate or forcible abolition, have been open in the condemnation of their measures in Boston, New York, and Philadelphia. Those wretches have set themselves up as the open enemies of the Colonization Society, and speak in open derision of its principles and its measures. In this State, we have nothing to fear from such men; they dare not show their faces. Here, the great moral principle is at work, which, in the end, will inevitably accomplish the great work in a lawful and constitutional way. The warmest friends of the cause here only wish to go a little in advance of the present spirit of the age. The only weapons they pretend to employ are religion, expediency, reason, and moral duty. It is in this spirit that Mr. Stephenson's benevolent protest, introduced in the Convention, has been drawn, which in the benignancy of its purposes is unanswerable, and in point of reason and argument—for the hand of a man who has matured his subject is apparent in it—says everything that can be

said in favor of what it proposes, at this time. These are merely our opinions; but the subject generally is one upon which we have read and reflected, more perhaps than upon any other not immediately connected with our daily avocations in life. We have become thoroughly convinced, that nothing but time, and the future operation of moral principles, carried out in wise legislation, founded upon the principle of compensation, or some other principle of justice, which may become, hereafter, acceptable to the owners, will ever enable the work to be done. Let restraints, however, upon voluntary emancipation be as few as the safety of society will permit—upon colonization, none."

The *Nashville Republican*, also a Jackson paper at the time, spoke as follows, on the 20th of February, 1834:

"It is supposed that efforts will be made to insert a provision for the gradual abolition of slavery, and perhaps the colonization of our colored population. Upon the propriety of this step we shall not at present decide. Much would depend upon the nature of the provision, whether well adapted to our present and future condition. The Legislature of Tennessee has already taken up the cause of colonization, and made, perhaps, as liberal a provision for it as our finances permitted. The nature of things, the march of public opinion, the voice of religion, all have said that American slavery must have an end. What shall be the legislative measures to that effect, and when they shall begin, are questions for prudence to determine."

The State Convention declined to do anything at the time towards emancipation, though the evils of slavery were generally acknowledged. Mr. Stephenson, a prominent politician of the time, entered a protest against this non-action. Mr. Laughlin, the editor of the *Banner*, and a prominent friend of General Jackson, pronounced the protest "wise and benevolent." The following are extracts from this document:

"One of its (the Bible's) excellent rules is, 'As you would that men should do unto you, do you even so unto them.' Now, to apply this golden rule to the case of the master and slave, we have just to place each in the other's stead, then ask the question honestly, 'What would I that my servant, thus placed in power, would do to me?' Surely, (if I durst,) I would say, 'When I had paid to you, with usury, a full equivalent for all you have expended in procuring me, and providing for my support and comfort, you ought to be satisfied; this is all stern justice can require, and humanity and a regard for the rights of man would require no more. Why, then, do you not permit me to go out free to pursue happiness my own way?'"

Again, I read in this "benevolent protest," (which, in the benignancy of its purposes, was unanswerable, according to Mr. Laughlin,) as follows:

"The undersigned do not admit that the refusal or neglect of other States to remove an existing evil is a justification for us. It is written, when the Jews desired a king, one of their reasons was, that they might be like the heathen natives around them; but this then was declared by the words of unerring Thought not to be good. In the Bible we have an account of a people once in bondage; and when the great God called for their deliverance, the cry of their oppressors was, (as we believe, in the spirit of the report,) 'They be idle, they be idle.' God hath said, 'Let the oppressed go free;' and he that oppresseth the poor, reproacheth his Maker.

"The report supposes it a dangerous experiment; the command is, nevertheless, 'Go forward, although the Red Sea, starvation, degradation, with all the train of horrors so eloquently set forth in the report, stare you in the face. Is it better to obey God, or man? As wise men, judge ye."

Mr. Laughlin remarked, in reference to the subject:

"Here (in Tennessee) the great moral principle is at work, which, in the end, will inevitably accomplish the great work (of emancipation) in a legal and constitutional way. The warmest friends of the cause here only want to go a little in advance of the present spirit of the age. The only weapons they pretend to employ are religion, expediency, reason, and moral duty."

The debate in the Virginia Legislature in 1832, and in the Convention a year or two before, together with the above extracts, will serve to illustrate the spirit of Democracy, and of Whiggery too, in the palmy days of Jackson and Clay.

From *Tucker's Blackstone*.

#### ON THE STATE OF SLAVERY IN VIRGINIA.

By *St. George Tucker, Professor of Law in the University of William and Mary, and one of the Judges of the General Court in Virginia.*  
[Extract.]

##### NOTE H.

In the preceding inquiry into the absolute rights of the citizens of United America, we must not be understood as if those rights were equally and universally the privilege of all the inhabitants of the United States, or even of all those who may challenge this land of freedom as their native country. Among the blessings which the Almighty hath showered down on these States, there is a large portion of the bitterest draught that ever flowed from the cup of affliction. Whilst America hath

been the land of promise to Europeans and their descendants, it hath been the vale of death to millions of the wretched sons of Africa. The genial light of Liberty, which hath here shone with unrivalled lustre on the former, hath yielded no comfort to the latter; but to them hath proved a pillar of darkness, whilst it hath conducted the former to the most enviable state of human existence. Whilst we were offering up vows at the shrine of Liberty and sacrificing hecatombs upon her altars; whilst we swore irreconcilable hostility to her enemies, and hurled defiance in their faces; whilst we adjured the God of Hosts to witness our resolution to live free, or die, and imprecated curses on their heads who refused to unite with us in establishing the empire of Freedom, we were imposing upon our fellow-men, who differ in complexion from us, a *slavery* ten thousand times more cruel than the utmost extremity of those grievances and oppressions of which we complained. Such are the inconsistencies of human nature; such the blindness of those who pluck not the beam out of their own eyes, whilst they can espy a mote in the eyes of their brother; such that partial system of morality which confines rights and injuries to particular complexions; such the effect of that self-love which justifies or condemns, not according to principle, but to the agent. Had we turned our eyes inwardly when we supplicated the Father of Mercies to aid the injured and oppressed; when we invoked the Author of Righteousness to attest the purity of our motives and the justice of our cause; and implored the God of Battles to aid our exertions in its defence, should we not have stood more self-convicted than the contrite publican? Should we not have left our gift upon the altar, that we might first be reconciled to our brethren whom we held in bondage? Should we not have loosed their chains and broken their fetters? Or, if the difficulties and dangers of such an experiment prohibited the attempt during the convulsions of a revolution, is it not our duty to embrace the first moment of constitutional health and vigor to effectuate so desirable an object, and to remove from us a stigma with which our enemies will never fail to upbraid us, nor our consciences to reproach us?

This note is very long, and embraces an elaborate plan of emancipation.

#### LETTER FROM HENRY CLAY.

The following letter of Mr. Clay is copied from a newspaper of 1849. It was published widely at the time of its appearance:

NEW ORLEANS, *February 17, 1849.*

DEAR SIR: Prior to my departure from home in December last, in behalf of yourself and other friends, you obtained from me a promise to make a public exposition of my views and opinions upon a grave and important question which, it was then anticipated, would be much debated and considered by the people of Ken-

tucky, during this year, in consequence of the approaching Convention, summoned to amend their present Constitution. I was not entirely well when I left home, and owing to that cause, and my confinement several weeks, during my sojourn in this city, from the effects of an accident which befel me, I have been delayed in the fulfilment of my promise, which I now propose to execute.

The question to which I allude is, whether African slavery, as it now exists in Kentucky, shall be left to a perpetual or indefinite continuance, or some provision shall be made, in the new Constitution, for its gradual and ultimate extinction?

A few general observations will suffice my present purpose, without entering on the whole subject of slavery, under all its bearings and in every aspect of it. I am aware that there are respectable persons who believe that slavery is a blessing, that the institution ought to exist in every well-organized society, and that it is even favorable to the preservation of liberty. Happily, the number who entertain these extravagant opinions is not very great, and the time would be uselessly occupied in an elaborate refutation to them. I would, however, remark that, if slavery be fraught with these alleged benefits, the principle on which it is maintained would require that one portion of the white race should be reduced to bondage, to serve another portion of the same race, when black subjects of slavery could not be obtained; and that in Africa, where they may entertain as great a preference for their color as we do for ours, they would be justified in reducing the white race to slavery, in order to secure the blessings which that state is said to diffuse.

An argument, in support of reducing the African race to slavery is sometimes derived from their alleged intellectual inferiority to the white races; but, if this argument be founded in fact, (as it may be, but which I shall not now examine,) it would prove entirely too much. It would prove that any white nation, which had made greater advances in civilization, knowledge, and wisdom, than another white nation, would have a right to reduce the latter to a state of bondage. Nay, further: if the principle of subjugation founded upon intellectual superiority be true, and be applicable to races and to nations, what is to prevent its being applied to individuals? And then the wisest man in the world would have a right to make slaves of all the rest of mankind.

If indeed we possess this intellectual superiority, profoundly grateful and thankful to Him who has bestowed it, we ought to fulfil all the obligations and duties which it imposes; and these would require us, not to subjugate or deal unjustly by our fellow men who are less blessed than we are, but to instruct, to improve, and to enlighten them.

A vast majority of the people of the United States, in every section of them, I believe, regret the introduction of slavery into the colonies, under the authority of our British ances-

tors, lament that a single slave treads our soil, deplore the necessity of the continuance of slavery in any of the States, regard the institution as a great evil to both races, and would rejoice in the adoption of any safe, just, and practicable plan for the removal of all slaves from among us. Hitherto no such satisfactory plan has been presented. When, on the occasion of the formation of our present Constitution of Kentucky, in 1799, the question of the gradual emancipation of slavery in that State was agitated, its friends had to encounter a great obstacle, in the fact that there then existed no established colony to which they could be transported. Now, by the successful establishment of flourishing colonies on the western coast of Africa, that difficulty has been obviated. And I confess that, without indulging in any undue feelings of superstition, it does seem to me that it may have been among the dispensations of Providence to permit the wrongs, under which Africa has suffered, to be inflicted, that her children might be returned to their original home, civilized, imbued with the benign spirit of Christianity, and prepared ultimately to redeem that great continent from barbarism and idolatry.

Without undertaking to judge for any other State, it was my opinion in 1799 that Kentucky was in a condition to admit of the gradual emancipation of her slaves; and how deeply do I lament that a system with that object had not been then established. If it had been, the State would now be nearly rid of all slaves. My opinion has never changed, and I have frequently publicly expressed it. I should be most happy, if what was impracticable at that epoch could now be accomplished.

After full and deliberate consideration of the subject, it appears to me that three principles should regulate the establishment of a system of gradual emancipation. The first is, that it should be slow in its operation, cautious and gradual, so as to occasion no convulsion, nor any rash or sudden disturbance in the existing habits of society. Second, that, as an indispensable condition, the emancipated slaves should be removed from the State to some colony. And, thirdly, that the expenses of their transportation to such colony, including an outfit for six months after their arrival at it, should be defrayed by a fund to be raised from the labor of each freed slave.

Nothing could be more unwise than the immediate liberation of all the slaves in the State, comprehending both sexes and all ages, from that of tender infancy to extreme old age. It would lead to the most frightful and fatal consequences. Any great change in the condition of society should be marked by extreme care and circumspection. The introduction of slaves into the colonies was an operation of many years duration; and the work of their removal from the United States can only be effected after the lapse of a great length of time.

I think that a period should be fixed when all born after it should be free at a specified



age, all born before it remaining slaves for life. That period, I would suggest, should be 1855, or even 1860; for on this and other arrangements of the system, if adopted, I incline to a liberal margin, so as to obviate as many objections and to unite as many opinions as possible. Whether the commencement of the operation of the system be a little earlier or later, it is not so important as that a day should be permanently *fixed*, from which we could look forward with confidence to the final termination of slavery within the limits of the Commonwealth.

Whatever may be the day fixed, whether 1855 or 1860, or any other day, all born after it I suggest should be free at the age of twenty-five, but be liable afterwards to be hired out, under the authority of the State, for a term not exceeding three years, in order to raise a sum sufficient to pay the expenses of their transportation to the colony, and to provide them an outfit for six months after their arrival there.

If the descendants of those who were themselves to be free at the age of twenty-five, were also to be considered as slaves until they attained the same age, and this rule were continued indefinitely as to time, it is manifest that slavery would be perpetuated instead of being terminated. To guard against this consequence, provision might be made that the offspring of those who were to be free at twenty-five, should be free from their birth, but upon the condition that they should be apprenticed until they were twenty-one, and be also afterwards liable to be hired out a period not exceeding three years, for the purpose of raising funds to meet the expense to the colony and their subsistence for the first six months.

The Pennsylvania system of emancipation fixed the period of twenty-eight for the liberation of slaves, and provided, or her courts have since interpreted the system to mean, that the issue of all who were to be free at the limited age, were from their births free. The Pennsylvania system made no provision for colonization.

Until the commencement of the system which I am endeavoring to sketch, I think all the legal rights of the proprietors of slaves, in their fullest extent, ought to remain unimpaired and unrestricted. Consequently, they would have the right to sell, devise, or remove them from the State; and in the latter case, without their offspring being entitled to the benefit of emancipation, for which the system provides.

2d. The colonization of the free blacks, as they successively arrive, from year to year, at the age entitling them to freedom, I consider a condition absolutely indispensable. Without it, I should be utterly opposed to any scheme of emancipation. One hundred and ninety odd thousand blacks, composing about one-fourth of the entire population of the State, with their descendants, could never live in peace, harmony, and equality, with the residue of the population. The color, passions, and prejudices, would forever prevent the two races living

together in a state of cordial union. Social, moral, and political degradation would be the inevitable lot of the colored race. Even in the free States, (I use the terms free and slave States not in any sense derogatory from one class, or implying any superiority in the other, but for the sake of brevity,) that is their present condition. In some of those free States, the penal legislation against the people of color is quite as severe, if not harsher, than it is in some of the slave States. As nowhere in the United States are amalgamation and equality between the two races possible, it is better that there should be a separation, and that the African descendants should be returned to the native land of their fathers.

It will have been seen that the plan I have suggested proposes the annual transportation of all born after a specified day, upon their arrival at the prescribed age, to the colony which may be selected for their destination; and this process of transportation is to be continued, until the separation of the two races is completed. If the emancipated slaves were to remain in Kentucky until they attained the age of twenty-eight, it would be about thirty-four years before the first annual transportation began, if the system commenced in 1855; and about thirty-nine years, if its operation began in 1860.

What the number thus to be annually transported would be, cannot be precisely ascertained. I observe it stated by the auditor, that the increase of slaves in Kentucky last year was between three and four thousand. But, as that statement was made upon a comparison of the aggregate number of all the slaves in the State, without regard to births, it does not, I presume, exhibit truly the *natural* increase, which was probably larger. The aggregate was affected by the introduction and still more by the exportation of slaves. I suppose that there would not be less, probably more, than five thousand to be transported the first year of the operation of the system; but, after it was in progress some years, there would be a constant diminution of the number.

Would it be practicable annually to transport five thousand persons from Kentucky? There cannot be a doubt of it, or even a much larger number. We receive from Europe annually emigrants to an amount exceeding two hundred and fifty thousand, at a cost for the passage of about ten dollars per head, and they embark at European ports more distant from the United States than the western coast of Africa. It is true that the commercial marine employed between Europe and the United States affords facilities, in the transportation of emigrants, at that low rate, which that engaged in the commerce between Liberia and this country does not now supply; but that commerce is increasing; and by the time the proposed system, if adopted, would go into operation, it will have greatly augmented.

If there were a certainty of the annual transportation of not less than five thousand persons to Africa, it would create a demand for



transports, and the spirit of competition would, I have no doubt, greatly diminish the present cost of the passage. That cost has been stated, upon good authority, to be at present fifty dollars per head, including the passage and six months' outfit after the arrival of the emigrant in Africa. Whatever may be the cost, and whatever the number to be transported, the fund to be raised by the hire of the liberated slave, for a period not exceeding three years, will be amply sufficient. The annual hire, on the average, may be estimated at fifty dollars, or one hundred and fifty for the whole term.

Colonization will be attended with the painful effect of the separation of the colonists from their parents, and in some instances from their children; but from the latter it will be only temporary, as they will follow, and be again reunited. Their separation from their parents will not be until after they have attained a mature age, nor greater than voluntarily takes place with emigrants from Europe, who leave their parents behind. It will be far less distressing than what frequently occurs in the state of slavery, and will be attended with the animating encouragement, that the colonists are transferred from a land of bondage and degradation for them, to a land of liberty and equality.

And 3d. The expense of transporting the liberated slave to the colony, and of maintaining him there for six months, I think ought to be provided for by a fund derived from his labor, in the manner already indicated. He is the party most benefited by emancipation. It would not be right to subject the non-slaveholder to any part of that expense; and the slaveholder will have made sufficient sacrifices, without being exclusively burdened with taxes to raise that fund. The emancipated slaves could be hired out for the time proposed, by the sheriff, or other public agent, in each county, who should be subject to strict accountability. And it would be requisite that there should be kept a register of all births of all children of color, after the day fixed for the commencement of the system, enforced by appropriate sanctions. It would be a very desirable regulation of law, to have the births, deaths, and marriages, of the whole population of the State, registered and preserved, as is done in most well-governed States.

Among other considerations which unite in recommending to the State of Kentucky a system for the gradual abolition of slavery, is that arising out of her exposed condition, affording great facilities to the escape of her slaves into the free States and into Canada. She does not enjoy the security which some of the slave States have, by being covered in depth by two or three slave States intervening between them and free States. She has a greater length of border on free States than any other slave State in the Union. That border is the Ohio river, extending from the mouth of the Big Sandy to the mouth of the Ohio, a distance of near six hundred miles, separating her from

the already powerful and growing States of Ohio, Indiana, and Illinois.

Vast numbers of slaves have fled from most of the counties in Kentucky, from the mouth of Big Sandy to the mouth of the Miami, and the evil has increased and is increasing. Attempts to recover the fugitives lead to the most painful and irritating collisions. Hitherto, countenance and assistance to the fugitives have been chiefly afforded by persons in the State of Ohio; but it is to be apprehended, from the progressive opposition to slavery, that, in process of time, similar facilities to the escape of slaves will be found in the States of Indiana and Illinois. By means of railroads, Canada can be reached from Cincinnati in a little more than twenty-four hours.

In the event of a civil war breaking out, or in the more direful event of a dissolution of the Union, in consequence of the existence of slavery, Kentucky would become the theatre and bear the brunt of the war. She would doubtless defend herself with her known valor and gallantry; but the superiority of the numbers by which she would be opposed would lay waste and devastate her fair fields. Her sister slave States would fly to her succor; but, even if they should be successful in the unequal conflict, she never could obtain any indemnity for the inevitable ravages of the war.

It may be urged that we ought not, by the gradual abolition of slavery, to separate ourselves from the other slave States, but continue to share with them in all their future fortunes. The power of each slave State, within its limits, over the institution of slavery, is absolute, supreme, and exclusive—exclusive of that of Congress or that of any other State. The Government of each slave State is bound, by the highest and most solemn obligations, to dispose of the question of slavery so as best to promote the peace, happiness, and prosperity, of the people of the State. Kentucky being essentially a farming State, slave labor is less profitable.

If, in most of the other slave States, they find that labor more profitable in the culture of the staples of cotton and sugar, they may perceive a reason in that feeling for continuing slavery, which it cannot be expected should control the judgment of Kentucky, as to what may be fitting and proper for her interests. If she should abolish slavery, it would be her duty, and I trust that she would be as ready as she now is, to defend the slave States in the enjoyment of all their lawful and constitutional rights. Her power, political and physical, would be greatly increased; for the one hundred and ninety odd thousand slaves, and their descendants, would be gradually superseded by an equal number of white inhabitants, who would be estimated per capita, and not by the Federal rule of three-fifths prescribed for the colored race in the Constitution of the United States.

I have thus, without reserve, freely expressed my opinion and presented my views. The in-

teresting subject of which I have treated would have admitted of much enlargement, but I have desired to consult brevity. The plan which I have proposed will hardly be accused of being too early in its commencement or too rapid in its operation. It will be more likely to meet with contrary reproaches. If adopted, it is to begin thirty-four or thirty-nine years from the time of its adoption, as the one period or the other shall be selected for its commencement. How long a time it will take to remove all the colored race from the State, by the annual transportation of each year's natural increase, cannot be exactly ascertained. After the system had been in operation some years, I think it probable, from the manifest blessings that would flow from it, from the diminished value of slave labor, and from the humanity and benevolence of private individuals prompting a liberation of their slaves and their transportation, a general disposition would exist to accelerate and complete the work of colonization.

That the system will be attended with some sacrifices on the part of the slaveholders, which are to be regretted, need not be denied. What great and beneficial enterprise was ever accomplished without risk and sacrifice? But these sacrifices are distant, contingent, and inconsiderable. Assuming the year 1860 for the commencement of the system, all slaves born prior to that time would remain such during their lives, and the personal loss of the slaveholder would be only the difference in value of a female slave whose offspring, if she had any, born after the first day of January, 1860, should be free at the age of twenty-five, or should be slaves for life.

In the mean time, if the right to remove or sell the slaves out of the State should be exercised, that trifling loss would not be incurred. The slaveholder, after the commencement of the system, would lose the difference in value between slaves for life and slaves until the age of twenty-five. He might also incur some inconsiderable expense in rearing, from their birth, the issue of those who were to be free at twenty-five, until they were old enough to be apprenticed out; but as it is probable that they would be most generally bound to him, he would receive some indemnity for their services until they attained their majority.

Most of the evils, losses, and misfortunes of human life have some compensation or alleviation. The slaveholder is generally a landholder, and I am persuaded that he would find, in the augmented value of his land, some, if not full indemnity for losses arising to him from emancipation and colonization. He would also liberally share in the general benefits, accruing to the whole State, from the extinction of slavery. These have been so often and so fully stated, that I will not, nor is it necessary to dwell upon them extensively. They may be summed up in a few words. We shall remove from among us the contaminating influences of a servile and degraded race, of

different color; we shall enjoy the proud and conscious satisfaction of placing that race where they can enjoy the great blessings of liberty, and civil, political, and social equality; we shall acquire the advantage of the diligence, the fidelity, and the constancy, of free labor, instead of the carelessness, the infidelity, and the unsteadiness, of slave labor; we shall elevate the character of white labor, and elevate the social condition of the white laborer; augment the value of our lands, improve the agriculture of the State, attract capital from abroad to all the pursuits of commerce, manufactures, and agriculture; redress, as far and as fast as we prudently could, any wrongs which the descendants of Africa have suffered at our hands; and we should demonstrate the sincerity with which we pay indiscriminate homage to the great cause of the liberty of the human race.

Kentucky enjoys high respect and honorable consideration throughout the Union and throughout the civilized world; but, in my humble opinion, no title which she has to the esteem and admiration of mankind, no deeds of her former glory, would equal, in greatness and grandeur, that of being the pioneer State in removing from her soil every trace of human slavery, and in establishing the descendants of Africa within her jurisdiction in the native land of their forefathers.

I have thus executed the promise I made, alluded to in the commencement of this letter; and I hope that I have done it calmly, free from intemperance, and so as to wound the sensibilities of none. I sincerely hope that the question may be considered and decided, without the influence of party or passion. I should be most happy to have the good fortune of coinciding in opinion with a majority of the people of Kentucky; but if there be a majority opposed to all schemes of gradual emancipation, however much I may regret it, my duty will be to bow in submission to their will.

If it be perfectly certain and manifest that such a majority exists, I should think it better not to agitate the question at all, since that, in that case, it would be useless, and might exercise a pernicious collateral influence upon the fair consideration of other amendments which may be proposed to our Constitution. If there be a majority of the people of Kentucky, at this time, adverse to touching the institution of slavery, as it now exists, we, who had thought and wished otherwise, can only indulge the hope that at some future time, under better auspices, and with the blessing of Providence, the cause which we have so much at heart may be attended with better success.

In any event, I shall have the satisfaction of having performed a duty to the State, to the subject, and to myself, by placing my sentiments permanently upon record.

With great regard, I am your friend and obedient servant,

H. CLAY.

*Richard Pindell, Esq.*

## SPEECH OF WILLIAM PINKNEY,

*Delivered in the Assembly of Maryland, at their session in 1788, when the report of a committee of the House, favorable to a petition for the relief of the oppressed slaves, was under consideration.*

MR. SPEAKER: Before I proceed to deliver my sentiments on the subject matter of the report under consideration, I must entreat the members of this House to hear me with patience, and not to condemn what I may happen to advance in support of the opinion I have formed, until they shall have heard me out. I am conscious, sir, that upon this occasion I have long-established principles to combat, and deep-rooted prejudices to defeat; that I have fears and apprehensions to silence, which the acts of former Legislatures have sanctioned; and that (what is equivalent to a host of difficulties) the popular impressions are against me. But, if I am honored with the same indulgent attention which the House has been pleased to afford me on past subjects of deliberation, I do not despair of surmounting all these obstacles, in the common cause of justice, humanity, and policy. The report appears to me to have two objects in view: to annihilate the existing restraints on the voluntary emancipation of slaves, and to relieve a particular offspring from the punishment heretofore inflicted on them, for the mere transgression of their parents. To the whole report, separately and collectively, my hearty assent, my cordial assistance, shall be given. It was the policy of this country, sir, from an early period of colonization down to the Revolution, to encourage an importation of slaves, for purposes which (if conjecture may be indulged) had been far better answered without their assistance. That this inhuman policy was a disgrace to the colony, a dishonor to the Legislature, and a scandal to human nature, we need not, at this enlightened period, labor to prove. The generous mind, that has adequate ideas of the inherent rights of mankind, and knows the value of them, must feel its indignation rise against the shameful traffic that introduces slavery into a country which seems to have been designed by Providence as an asylum for those whom the arm of power had persecuted, and not as a nursery for wretches stripped of every privilege which Heaven intended for its rational creatures, and reduced to a level with—nay, become themselves—the mere goods and chattels of their masters.

Sir, by the eternal principles of natural justice, no master in the State has a right to hold his slave in bondage for a single hour; but the law of the land, which (however oppressive and unjust, however inconsistent with the great groundwork of the late Revolution and our present frame of Government) we cannot, in prudence or from a regard to individual rights, abolish, has authorized a slavery as bad or perhaps worse than the most absolute, unconditional servitude, that ever England knew in the early ages of its empire, under

the tyrannical policy of the Danes, the feudal tenures of the Saxons, or the pure villanage of the Normans. But, Mr. Speaker, because a respect for the peace and safety of the community, and the already-injured rights of individuals, forbids a compulsory liberation of these unfortunate creatures, shall we unnecessarily refine upon this gloomy system of bondage, and prevent the owner of a slave from manumitting him, at the only probable period, when the warm feelings of benevolence and the gentle workings of commiseration dispose him to the generous deed? Sir, the natural character of Maryland is sufficiently sullied and dishonored, by barely tolerating slavery; but when it is found that your laws give every possible encouragement to its continuance to the latest generations, and are ingenious to prevent even its slow and gradual decline, how is the die of the imputation deepened? It may even be thought that our late glorious struggle for liberty did not originate in principle, but took its rise from popular caprice, the rage of faction, or the intemperance of party. Let it be remembered, Mr. Speaker, that even in the days of feudal barbarity, when the minds of men were unexceeded by that liberality of sentiment which springs from civilization and refinement, such was the antipathy, in England, against private bondage, that so far from being studious to stop the progress of emancipation, the courts of law (aided by legislative connivance) were inventive to liberate by construction. If, for example, a man brought an action against his villain, it was presumed that he designed to manumit him; and, although perhaps this presumption was, in ninety-nine instances out of a hundred, contrary to the fact, yet, upon this ground alone were bondmen adjudged to be free.

Sir, I sincerely wish it were in my power to impart my feelings upon this subject to those who hear me; they would then acknowledge, that while the owner was protected in the property of his slave, he might, at the same time, be allowed to relinquish that property to the unhappy subject, whenever he should be so inclined. They would then feel that denying this privilege was repugnant to every principle of humanity—an everlasting stigma on our Government—an act of unequalled barbarity, without a color of policy, or a pretext of necessity, to justify it.

Sir, let gentlemen put it home to themselves, that after Providence has crowned our exertions in the cause of general freedom with success, and led us on to independence through a myriad of dangers, and in defiance of obstacles crowding thick upon each other, we should not so soon forget the principles upon which we fled to arms, and lose all sense of that interposition of Heaven by which alone we could have been saved from the grasp of arbitrary power. We may talk of liberty in our public councils, and fancy that we feel reverence for her dictates. We may declaim, with all the vehemence of animated rhetoric against oppression, and flatter ourselves that we detest

the ugly monster; but so long as we continue to cherish the poisonous weed of partial slavery among us, the world will doubt our sincerity. In the name of Heaven, with what face can we call ourselves the friends of equal freedom and the inherent rights of our species, when we wantonly pass laws inimical to each; when we reject every opportunity of destroying, by silent, imperceptible degrees, the horrid fabric of individual bondage, reared by the mercenary hands of those from whom the sacred flame of liberty received no devotion?

Sir, it is pitiable to reflect to what wild inconsistencies, to what opposite extremes, we are hurried by the frailty of our nature. Long have I been convinced that no generous sentiment of which the human heart is capable, no elevated passion of the soul that dignifies mankind, can obtain a uniform and perfect dominion; to-day we may be aroused as one man, by a wonderful and unaccountable sympathy against the lawless invader of the rights of his fellow-creatures; to-morrow we may be guilty of the same oppression which we repudiated and resisted in another. Is it, Mr. Speaker, because the complexion of these devoted victims is not quite so delicate as ours; is it because their untutored minds (humbled and debased by the hereditary yoke) appear less active and capacious than our own; or, is it because we have been so habituated to their situation as to become callous to the horrors of it, that we are determined, whether politic or not, to keep them, till time shall be no more, on a level with the brutes? For "nothing," says Montesquieu, "so much assimilates a man to a brute, as living among freemen, himself a slave." Call not Maryland a land of liberty, do not pretend that she has chosen this country as an asylum, that here she has erected her temple and consecrated her shrine, when here, also, her unhallowed enemy holds his hellish pandemonium, and our rulers offer sacrifice at his polluted altar. The lily and the bramble may grow in social proximity, but liberty and slavery delight in separation.

Sir, let us figure to ourselves for a moment one of these unhappy victims, more informed than the rest, pleading at the bar of this House the cause of himself and his fellow-sufferers; what would be the language of this orator of nature? Thus, my imagination tells me he would address us:

"We belong, by the policy of our country, to our masters, and submit to our rigorous destiny; we do not ask you to divest them of their property, because we are conscious you have not the power; we do not entreat you to compel an emancipation of us or our posterity, because justice to your fellow-citizens forbids it; we only supplicate you not to arrest the gentle arm of humanity, when it may be stretched forth in our behalf, nor to wage hostilities against that moral or religious conviction which may at any time incline our masters to give freedom to us, or our unoffending offspring; not to interpose legislative obstacles to the course of voluntary manumis-

sion. Thus shall you neither violate the rights of your people, nor endanger the quiet of the community, while you vindicate your public councils from the imputation of cruelty and the stigma of causeless, unprovoked oppression. We have never," would he argue, "rebelled against our masters; we have never thrown your Government into a ferment by struggles to regain the independence of our fathers. We have yielded our necks submissive to the yoke, and without a murmur acquiesced in the privation of our native rights. We conjure you, then, in the name of the common Parent of mankind, reward us not for this long and patient acquiescence by shutting up the main avenues to our liberation, by withholding from us the poor privilege of benefiting by the kind indulgence, the generous intentions, of our superiors."

What could we answer to arguments like these? Silent and peremptory, we might reject the application; but no words could justify the deed.

In vain should we resort to apologies, grounded on the fallacious suggestions of a cautious and timid policy. I would as soon believe the incoherent tale of a schoolboy who should tell me he had been frightened by a ghost, as that the grant of this permission ought in any degree to alarm us. Are we apprehensive that these men will become more dangerous by becoming free? Are we alarmed, lest, by being admitted to the enjoyment of civil rights, they will be inspired with a deadly enmity against the rights of others? Strange, unaccountable paradox! How much more rational would it be, to argue that the natural enemy of the privileges of freemen is he who is robbed of them himself! In him, the foul demon of jealousy converts the sense of his own debasement into a rancorous hatred for the more auspicious fate of others; while from him whom you have raised from the degrading situation of a slave, whom you have restored to that rank in the order of the universe which the malignity of his fortune prevented him from attaining before—from such a man (unless his soul be ten thousand times blacker than his complexion) you may reasonably hope for all the happy effects of the warmest gratitude and love.

Sir, let us not limit our views to the short period of a life in being; let us extend them along the continuous line of endless generations yet to come. How will the millions that now teem in the womb of futurity, and whom your present laws would doom to the curse of perpetual bondage, feel the inspiration of gratitude to those whose sacred love of liberty shall have opened the door to their admission within the pale of freedom? Dishonourable to the species is the idea, that they would ever prove injurious to our interests. Released from the shackles of slavery by the justice of Government and the bounty of individuals, the want of fidelity and attachment would be next to impossible.

Sir, when we talk of policy, it would be well for us to reflect whether pride is not at

the bottom of it; whether we do not feel our vanity and self-consequence wounded at the idea of a dusty African participating equally with ourselves in the rights of human nature, and rising to a level with us, from the lowest point of degradation. Prejudices of this kind, sir, are often so powerful as to persuade us that whatever countervails them is the extremity of folly, and that the peculiar path of wisdom is that which leads to their gratification. But it is for us to be superior to the influence of such ungenerous motives; it is for us to reflect, that whatever the complexion, however ignoble the ancestry or uncultivated the mind, one universal Father gave being to them and us, and with that being conferred the unalienable rights of the species. But I have heard it argued, that if you permit a master to manumit his slaves by his last will and testament, as soon as they discover he has done so, they will destroy him, to prevent a revocation. Never was a weaker defence attempted, to justify the severity of persecution; never did a bigoted inquisition condemn a heretic to torture and to death, upon grounds less adequate to justify the horrid sentence. Sir, is it not obvious that the argument applies equally against all devices whatsoever for any person's benefit? For, if an advantageous bequest is made, even to a white man, has he not the same temptation to cut short the life of his benefactor, to secure and accelerate the enjoyment of the benefit?

As the universality of this argument renders it completely nugatory, so is its cruelty palpable, by its being more applicable to other instances to which it has never been applied at all, than to the case under consideration.—See Williston's "*Eloquence of the United States*," vol. V.

#### LAFAYETTE AND CUSTIS.

*From a work, in a series of numbers, entitled "Conversations of Lafayette while in the United States of America, in 1824-'25," by George W. P. Custis, Esq., of Arlington.*

Mr. Custis said: "My dear General, you will go to the meeting of the American Colonization Society to-night, in the Capitol. While you remain with us, we shall embrace every opportunity of appropriating you to all good works. This is an affair of philanthropy, and will be peculiarly interesting, inasmuch as it will call up the recollections of a great work of philanthropy, in which you were engaged some forty years ago.

"Would to God, that on your return to our shores you could have seen the land of freedom untarnished by the presence of a slave. Would that you could have seen this fair country, this great and rising empire, the abode alone of freemen.

Truly striking must the contrast have been to you, between the Northern and Southern sections of our Confederation. There, in the land of steady habits, you beheld the genuine practice of republicanism, in the morality, the industry, and independence, of a people who would be the pride and ornament of any age

or country. There you have beheld an unkindly surface wrested from its natural rudeness, and made to smile with plenty by the labor and economy of a virtuous and hardy population, and fertilized by the sweat which falls from a freeman's brow. You have seen the benefits of education, the beauty of moral habits, which form the power and character of a people, elevated by all which can elevate human nature. You have said: 'Can this be the nation which I left in the cradle? Can this be the country I left hardly emerged from a wilderness?' 'Yet such things are.' You left Liberty pluming her youthful pinions, just ready to take her early flight. You find her soaring on eagle's wings, undazzled by her height, preparing to leave the favored regions where the work is done, to skim the 'cloud capt' summits of the Andes, and perch in triumph on the banner of Bolivar.

"In your tour, General, new and diversified scenes await you at every link of the very long chain of the American Confederation. You have already reached a more genial clime, a region more blessed by Heaven, but, from the error of our fathers, more cursed by man.

"In the South, our hearths are growing cold; our doors, which have so oft flown open at the call of hospitality, have rust on their hinges; our chimneys, in which the blaze did once 'run roaring up,' now emit a feeble smoke, scarce enough to stain a mid-day sky. Yet generous was the day of our greatness; the social virtues dwelt in our hearts, and under our roofs the stranger always found a home. Our glory has passed away; the Ancient Dominion, the seat of talent, of patriotism, of revolutionary pride and reminiscence, is falling from her once high degree; she yields before the powerful march of sister States, which were once to her 'as I to Hercules.' 'Tis true the dreams of fancy still picture the southern proprietor as reclining on beds of roses, fanned by the Hours of the Mahomedan paradise; say rather the unenviable couch of Guatimozin. The roses which bloom in slavery's clime soon 'waste their sweetness in its desert air,' and the paths which appear to be strewn with flowers will be found to contain full many a thorn.

But small is the stream which divides the Mother of the States from her now mighty offspring. For nearly two centuries had the parent being, before this 'child of promise' beheld the light; but behold the march of Freedom! for where her progress is unimpeded by the trammels of slavery, hers is a giant's stride. But yesterday, and where this great community now flourishes was a trackless forest; 'tis now enlivened by the busy 'hum of men,' and civilization and the arts have fixed a happy dwelling there; nay, more—his-trionic\* talent has illustrated the words of the divine Shakspeare, where late the panther howled, and

'Savage beasts of prey  
And men more savage still than they.'

\* Cooper playing at Cincinnati, Ohio

The axe of the woodman rouses the echoes which have slept for ages in the silence of nature. The harvest smiles in luxuriance where wild flowers grew of late, and the hymns of praise, heard from the temples of the ever-living God, succeed to the yell of the savage, the signal of despair and death.

"Know you of changes like these in the land of the slave? No, my dear General, there, 'like a wounded snake,' improvement, prosperity, and happiness, 'drag their slow length along;' but give to the land liberty, and at once she puts on her seven-league boots, and rushes to glory and empire.

"To remove so foul a blot from the American character—to restore a degraded population to the climate and soil of their ancestors—to cause freemen to overspread and cultivate the land now occupied by the slave, will be to honor and aggrandize the Republic, and afford a brilliant example to the world.

"With such views, the American Colonization Society steadily pursues its course," &c.

*Lafayette's Reply.*

"With much pleasure, my dear sir," the General replied, "will I go to the meeting of the American Colonization Society. We will first call on —, and then to the Capitol.

"Since my arrival in the United States, I have, indeed, beheld wonderful improvements, far beyond my most enthusiastic expectations. The benign influence of freedom has caused creations to arise, rather than improvements, in this highly-favored land. The American portion of my heart, and that is no small portion of it, I can assure you, truly hails with delight, and rejoices in sympathy with all which elevates and aggrandizes this only free Government on earth.

"I am well aware of the cloud of evil which overhangs and shadows the South. Some of my fondest recollections belong to that genial region. It was there I first landed, a young recruit to the army of liberty, accompanied by poor General de Kalb, the same who fell gallantly fighting for her cause in the battle of Camden. It was there I received the welcome of Americans to a stranger from many friends, most of whom now sleep in their graves. I have too often experienced the kind heartedness and hospitality of the South, ever to forget her.

"Again, her noble devotion to the cause of liberty, her severe and manifold sufferings and sacrifices in the war of the Revolution, the untiring patriotism of her sons, the campaign of 1781, the brilliant, heroic, never-to-be-forgotten campaigns of Greene, form features the most sublime and interesting in the character and history of the South. 'Tis true she has much to deplore, but she has much too to admire; she still boasts of sons the most patriotic and enlightened, the most generous and hospitable, and contains in her soil a grave the most revered.

"Of the affair of Cayenne I will briefly state: That on my return to France, in 1785, I formed

a plan for the amelioration of slavery, and the gradual emancipation of slaves in the colony of Cayenne. Most of the property in the colony belonged to the crown of France, which enabled me the better to prosecute my plans, being less liable to interruption from the conflicting interests and opinions of various proprietors. The purchase money of the estates and slaves amounted to about thirty thousand dollars, not a very large sum for my fortunes in those days, but laid out wholly and solely for the purposes just mentioned. Surely it could not have been desirable for me, in those times of affluence and interesting relations in France, to cross the Atlantic and seek adventures for profit in a distant clime. A young man, just returned from aiding in the successful accomplishment of American liberty, I felt such enthusiasm in her holy cause as induced me to wish to see her blessings extended to the whole human family, and not even withheld from that injured and degraded race who, lowest in the scale of human being, have, from their forlorn and friendless situation, superior claims to the aid and commiseration of philanthropy.

"Believing that the agents usually employed in the colony were not of a sort to further my views, I engaged a Monsieur B., at Paris, a man of firm yet amiable disposition, and well calculated for the work in which he was to be engaged. Furnished with a perfect understanding of my plans and wishes, B. sailed for Cayenne. Upon his arrival, the first act of his administration was to collect all the cart whips and such like instruments of punishment, used under the former regime, and have them burnt in a general assemblage of the slaves. B. then proceeded to make and declare laws, rules, and discipline, for the government of the estates. Affairs went on prosperously, and but for the Revolution, which convulsed France both at home and abroad, the most favorable results were to be expected, and the slaves duly prepared for the rational enjoyment of freedom.

"Poor B. died from the effects of climate, and the proscription of myself after the 10th of August, followed by the confiscation of my estates, put a period to this work, begun under auspices the most favorable, continued with success; and a happy accomplishment was alone denied by the decree of the Convention, which destroyed the whole colonial system, by sudden and unconditional emancipation, and its consequent horrors, in the colonies of France.

"But to the proof. On the Lafayette estates the emancipated slaves came in a body to the agents, and declared that, if the property still belonged to the general, they would reassume their labors for the use and benefit of him who had caused them to experience an ameliorated condition of bondage, with the certain prospect of gradual emancipation, and the rational enjoyment of freedom."—*See African (Colonization) Repository, April, 1825.*



General Lafayette further says, in his conversations with Mr. Custis:

"I have been so long the friend of emancipation, particularly as regards these otherwise happy States, that I behold with the sincerest pleasure the commencement of an institution, whose progress and termination will, I trust, be attended by the most successful results. I shall probably not live to witness the vast changes in the condition of man which are about to take place in the world; but the era is already commenced, its progress is apparent, its end is certain. France will ere long give freedom to her few colonies. In England, the Parliament leaders, urged by the people, will urge the Government to some acts preparatory to the emancipation of her slaveholding colonies. Already she is looking with much anxiety towards her East India possessions, for supplies of sugar, raised by free labor. England is, in fact, rich enough to buy up her slave property, and the current of public opinion sets so decidedly against slavery, in all its forms, that if the people and Government unite, it must soon cease to exist in the English possessions. South America is crushing the evil at her first entrance upon political regeneration; she will reap rich harvests of political and individual prosperity and aggrandizement by this wholesale measure. Where, then, my dear sir, will be the last foothold of slavery in the world? Is it destined to be the opprobrium of this fine country? Again: you will, in time, have an accession of at least three free States in this Union—Maryland, Virginia, and Kentucky.

"In these three Commonwealths there is nothing grown which may not be produced by free labor, neither is the climate inimical to the white man, but the reverse.

"In the course of the next half century, the changes which I have foretold will probably come to pass; and if they should, what, my dear sir, will be the condition of our friends in the extreme South and Southwest of the United States? As slavery declines in the other States, its migration will tend directly to those regions as its last place of refuge. May we not hope that this will be deemed a matter of serious consideration, worthy of the labors of philosophers and philanthropists, and of all who feel an interest in the safety and well being of a large portion of the American family?

"The views and labors of the society are directed to the removal of free persons of color only, but there will be no want of emigrants, should that great object be successfully accomplished, as in the munificent instance of Mr. Minge, of Virginia, who, for an individual, has done an act worthy of a community, and is entitled to the most unqualified and enthusiastic praise. No doubt, many proprietors will follow this generous and noble example, perhaps not on so large a scale; but a little from many soon becomes a great deal. Again: as few proprietors could afford to part with so

valuable a portion of their property without some equivalent, they might be disposed to enable this property to pay for itself on some plan like one I have seen proposed."—*See African (Colonization) Repository, November, 1825.*

#### BISHOP MEADE.

*From the African (Colonization) Repository, July, 1825.*

The Reverend Mr. Meade's address was delivered to a crowded audience in Winchester, Virginia, on the Fourth of July. He said:

"But should any ask, has the American Colonization Society no greater object in its ultimate view than the improvement of the condition of those just described? We answer, yes. It has a design and a hope which reaches forward to distant periods, and contemplates a far more extensive benefit—one which it has ever boldly avowed and gloried in. It hopes, by the successful establishment of a colony of these unfortunate beings, to invite the American nation to a work of charity and of justice worthy of its great name; it hopes soon to show to the pious and benevolent how and where they may accomplish a wish, near and dear to many hearts, which is now impossible; it hopes to point out to our several Legislatures, and even to the august council of this great nation, a way, by which, with safety and advantage, they may henceforth encourage and facilitate that system of emancipation which they have almost forbidden. To such honor and usefulness does the American Colonization Society aspire, and thus hopes greatly to lessen, if not entirely remove, at some distant day, one of the most tremendous evils that ever overhung a guilty nation upon earth, for in vain do we look through the annals of history for a country in like calamity with ours.

"On this day, also, how much is expended in celebrating the Declaration of American Independence? And will it interrupt the rejoicings of this day to be reminded of one sacred duty due to suffering humanity—to weep with those that weep, as well as rejoice with those who rejoice? Is there not a danger that we will renew the crime of those in ancient days, who chanted to the sound of the viol, and drank wine out of bowls, but were not grieved for the affliction of Joseph—felt not for him who was in bondage? In the midst of our laughter, might it not be well that our hearts be sometimes a little sorrowful to think how many of our fellow-creatures partake not of our joy; and if some happy scheme be devised and offered to us for diffusing a more general joy, should we not gladly adopt it, and thereby perhaps prevent our mirth from ending in heaviness?

"But there is one consideration peculiar to this day, which I must not omit to notice. What is the age of that joy which is again renewed through the land? What year of our Independence is this upon which we are entering? It is the fiftieth—the first jubilee



of American Independence. That word brings with it some sacred reflections, drawn from a holy volume, for which I trust all present feel such a becoming reverence that it can never seem amiss to refer to it.

"It is there recorded that an ancient nation which had been delivered from oppressive tyranny by the hand of God, and by that hand conducted to a promised land, was directed, on the fiftieth year after entering upon its inheritance, to celebrate a jubilee—one remarkable circumstance of which celebration was, that those who were in bondage should become freemen; and this they were to do, remembering that their fathers were once bondsmen in Egypt.

"How forcibly, then, on this first American jubilee, should we feel the claim of a society having such views and hopes as the one for which we plead. While it were vanity to hope, and worse than madness to attempt, by one act or effect to remove such an evil as that which presses upon our country, yet surely, in gratitude to Heaven for our own unparalleled blessings, we should rejoice to patronize any measure which, under the guidance of a prudent zeal, may restore lost rights to thousands, meliorate the condition of those whose freedom is but a name, and thus be gradually diminishing a calamity which otherwise must increase, until it burst with overwhelming ruin on some future and unhappy generation.

"While, therefore, with sorrowing hearts we are forced to look upon large numbers of these, our fellow-beings, as doomed, for a long period to come, to remain under the yoke of servitude, let us zealously attempt to lessen that number, and lighten that yoke as much as possible. Then may we, with clear consciences and thankful hearts, rejoice before Heaven on each return of this day, for the many blessings poured out upon us. Thus shall we stand acquitted to our children of having entailed upon them, without an effort at removal, one of the most deadly evils that ever afflicted a nation."

#### THE PRESBYTERIAN CHURCH ON SLAVERY.

"The General Assembly of the Presbyterian Church, convened in Philadelphia, June, 1818, having taken into consideration the subject of Slavery, think proper to make known their sentiments upon it to the churches and people under their care.

"We consider the voluntary enslaving of one part of the human race by another, as a gross violation of the most precious and sacred rights of human nature; as utterly inconsistent with the law of God, which requires us to love our neighbor as ourselves; and as totally irreconcilable with the spirit and principles of the Gospel of Christ, which enjoin, that 'all things whatsoever ye would that men should do to you, do ye even so to them.' Slavery creates a paradox in the moral system—it exhibits rational, accountable, and immortal

beings, in such circumstances as scarcely to leave them the power of moral action. It exhibits them as dependent on the will of others whether they shall receive religious instruction; whether they shall know and worship the true God; whether they shall enjoy the ordinances of the Gospel; whether they shall perform the duties and cherish the endearments of husbands and wives, parents and children, neighbors and friends; whether they shall preserve their chastity and purity, or regard the dictates of justice or humanity. Such are some of the consequences of slavery—consequences not imaginary—but which connect themselves with its very existence. The evils to which the slave is *always* exposed often take place in fact, and in their very worst degree and form; and where all of them do not take place, as we rejoice to say that in many instances, through the influence of the principles of humanity and religion on the minds of masters, they do not—still the slave is deprived of his natural right, degraded as a human being, and exposed to the danger of passing into the hands of a master who may inflict upon him all the hardships and injuries which inhumanity and avarice may suggest.

"From this view of the consequences resulting from the practice into which Christian people have most inconsistently fallen, of enslaving a portion of their *brethren* of mankind, (for 'God hath made of one blood all nations of men to dwell on all the face of the earth,') it is manifestly the duty of all Christians who enjoy the light of the present day, when the inconsistency of slavery, both with the dictates of humanity and religion, has been demonstrated, and is generally seen and acknowledged, to use their honest, earnest, and unwearied endeavors to correct the errors of former times, and as speedily as possible to efface this blot on our holy religion, and to obtain the complete abolition of slavery throughout Christendom, and, if possible, throughout the world.

"We rejoice that the church to which we belong commenced as early as any other in this country the good work of endeavoring to put an end to slavery, and that in the same work many of its members have ever since been, and now are, among the most active, vigorous, and efficient laborers. We do, indeed, tenderly sympathize with those portions of our church and our country where the evil of slavery has been entailed upon them; where a *great* and *the most virtuous part of the community* abhor slavery, and wish its extermination as sincerely as any others; but where the number of slaves, their ignorance, and their vicious habits generally, render an immediate and universal emancipation inconsistent alike with the safety and happiness of the master and the slave. With those who are thus circumstanced, we repeat that we tenderly sympathize. At the same time, we earnestly exhort them to continue, and, if possible, to increase their exertions to effect a total abolition of slavery. We exhort them to suffer no greater delay to

take place in this most interesting concern than a regard to the public welfare *truly* and *indispensably* demands.

"As our country has inflicted a most grievous injury on the unhappy Africans, by bringing them into slavery, we cannot, indeed, urge that we should add a second injury to the first, by emancipating them in such a manner as that they will be likely to destroy themselves or others. But we do think that our country ought to be governed in this matter by no other consideration than an honest and impartial regard to the happiness of the injured party, uninfluenced by the expense or inconvenience which such a regard may involve. We therefore warn all who belong to our denomination of Christians against unduly extending this plea of necessity; against making it a cover for the love and practice of slavery, or a pretence for not using efforts that are lawful and practicable to extinguish the evil.

"And we, at the same time, exhort others to forbear harsh censures and uncharitable reflections on their brethren who unhappily live among slaves whom they cannot immediately set free, but who, at the same time, are really using all their influence and all their endeavors to bring them into a state of freedom as soon as a door for it can be safely opened.

"Having thus expressed our views of slavery, and of the duty indispensably incumbent on all Christians to labor for its complete extinction, we proceed to recommend (and we do it with all the earnestness and solemnity which this momentous subject demands) a particular attention to the following points:

[Here follows a recommendation of the Colonization Society—an injunction of the duty of imparting religious instruction to slaves, and of punishing cruelty to slaves, or separation of families, by suspension from the Church.]

"Passed by the *unanimous* vote of the General Assembly of the Presbyterian Church in the United States, and signed, by their order, by

J. J. JANEWAY, Moderator.

"Philadelphia, June 2, 1818."

#### DELAWARE.

The Union Colonization Society, Delaware, held its annual meeting at Wilmington, on the 17th November last. The influence of the colored population of our country upon its agriculture is thus stated by the Society:

"It depreciates our soil, lessens our agricultural revenue, and, like the lean kine of Egypt, eats up the fat of the land. It will hardly admit of a question, but that the Southern section of our country would, in a few years, be richer without one slave than it is now with 1,600,000. Virginia, with 63,000 square miles of territory, (and that well suited to agricul-

ture,) and 450,000 slaves, is valued less than the very land of New York State, a tract of about two-thirds its size."—*See African (Colonization) Repository, January, 1826.*

#### NORFOLK.

The fifth annual meeting of the Norfolk (Va.) Auxiliary Society, took place on the 2d January, 1826. We copy the following from the Society's Report:

"At the same time, also, we shall have made some reparation, according to our ability, to an injured quarter of the globe, for the wrongs that we have done her, by giving her in our colony another fortress against the piracy of the slave trade, and a seminary for the instruction of her children in all the happy arts of our own civilized country. In the mean time, too, whilst we are doing this, we shall have indirectly but powerfully aided the cause of emancipation, by establishing a city of refuge, a safe asylum, to which the pious and humane may send out their liberated slaves, without injury to them or to the community, but with the greatest advantage to both. We shall also have awakened the minds of our people to a deep consideration of their duty and interest in putting away the whole of this black and menacing evil, gradually, safely, and most happily, from our land. And we shall have pointed out to those who wield the power of the people in our legislative halls, in what manner they might use that power for the purest and noblest ends, and to promote all the best and truest interests of our State and country.

"The establishment of the new republics of South America, and the consequent emancipation of large classes of their population heretofore held in bondage, must naturally redouble all our efforts to imitate their example, in its spirit and with those modifications only which our different circumstances should properly suggest. The exertions too, which British politicians and philanthropists are making to raise the condition of their slaves in the West Indies, from absolute bondage to a partial participation in the rights of freemen, will increase the motives and the facilities to the execution of our own better scheme of removing our bondmen to a happy distance from our shores. The diffusion of the principle, too, that political economists are everywhere urging with so much force, that free labor is incontestably cheaper and more productive than slave, will invigorate all our appeals to benevolence, by adding the weight of interest to that of duty. And over and above all, we are not afraid nor ashamed to avow, in the faces of all the infidels in the world, that we build our hope of ultimate success on our faith in that *sure word of prophecy* which, as it authorizes us to expect that there shall be a day of universal holiness in the earth, warrants us also to believe that God, who sitteth in the heavens, and shapes and sways the purposes

and acts of men to his own ends, (*for he turneth the hearts of the people as the rivers of water are turned,*) will himself find out and secure the ways and means to extinguish an evil, whose continued existence would be absolutely incompatible with all our notions of an era so happy and so divine. Wherefore, members and friends of the society, be ye *steadfast, immovable, always abounding in this work of the Lord, forasmuch as ye know that your labor cannot be in vain in the Lord.*"—See *African (Colonization) Repository*, January, 1826.

#### HON. FRANCIS S. KEY.

[Mr. Key was District Attorney for the District of Columbia, under General Jackson, a native of Maryland, and author of "The Star-Spangled Banner."] Extract from his address delivered at Philadelphia, to the Colonization Society, November 25th, 1828. See *African (Colonization) Repository*, December, 1828.

"It remains only to show that the execution of the Society's plan will be followed by the consequence predicted, the promotion of emancipation. It is reasonable to expect such a consequence. Can any one believe that the States in which slavery exists desire its perpetuation; that they will not make an effort to relieve themselves from this evil, if a practicable and safe plan be presented to them? Slaveholders are like other men, governed by the same feelings, influenced by the same motives. Can it be supposed that they are insensible to their own interests? They see the injurious effects of the slave system; that the value of their land is lessened by it, the progress of improvements retarded, the increase of population checked. If the people of Maryland and Virginia, for example, have common sense and observation, they must see, they have seen, and do see, that their neighbors of Pennsylvania increase in wealth and population in a ratio far greater than theirs. At the first census, the number of inhabitants in Pennsylvania was little more than one-half that of Virginia; at the last, it was nearly equal. The increased value of lands and houses in Pennsylvania, in fifteen years, from 1799 to 1814, exceeded that of Virginia, though her territory is much larger, upwards of \$90,000,000. The lands in the latter State are as fertile as those of the former. No other cause can be assigned for this difference, than the existence in the one of an evil which has been removed from the other. There is, moreover, in each of the slaveholding States just mentioned, nearer and plainer proof of the bad effects of this evil in their institutions. There are counties wherein the slave population nearly equals the white, and others where the number of slaves is inconsiderable. In one county of Maryland, having but few slaves, the increase of population between 1810 and 1820 amounted to many thousands; while in

another, where the numbers of slaves and of whites are nearly the same, there was a *decrease of almost a fifth of its whole population*. Lands of similar quality bear very different prices in the two districts; for farmers will not migrate to a slave country; and there is the same difference in many other particulars of this nature.

"Nor is it only in reference to the value of property and improvement of their outward circumstances that the inconvenience of the present condition of things is felt and acknowledged. In respect of moral advantages, they have impediments peculiar to this unfortunate state of society. They cannot, with the same facility and benefit, have churches, schools, or other institutions for religions and intellectual improvement, such as are found in every neighborhood amidst the denser population of the Northern States. Not only have they no accessions to their numbers by emigration from foreign countries or other States, but, where the slaves are numerous, the young people of the laboring classes, who grow up among them, are unwilling to work in the company of blacks, and feel their own station in society to be degraded. For this reason, such of them as are industrious and enterprising remove to the new settlements of free States, while the idle and dissolute remain. So that such districts lose their best and retain their worst population."—See *African (Colonization) Repository*, December, 1828.

#### PRESIDENT YOUNG, OF TRANSYLVANIA COLLEGE, KY., ON SLAVERY.

The specific purpose of the writer was to make some remarks on the "declaration and resolutions of the Synod of Kentucky, in reference to slavery." The most important principles of that paper are, he thinks—

"1. The system of slavery (or involuntary and hereditary bondage) is sinful.

"2. It is not sinful in an individual to retain his legal authority over those of his servants whom he sincerely and conscientiously believes to be unfit for freedom, while he is, by the application of proper and vigorous means, preparing them for the right and beneficial enjoyment of liberty.

"3. It is sinful in any individual to delay the commencement of these benevolent and conscientious labors, or to prosecute them deceitfully when they are commenced—thus retarding unnecessarily the day of complete emancipation."

After some remarks on transactions connected with the preparation of the document referred to, the reverend and learned gentleman says:

"Any person, who has ever attempted to draft a paper on so delicate and difficult a subject, knows how small is the probability of

so framing the expressions as to guard against all erroneous inferences. Perhaps there might be advantageously substituted for the disputed phraseology, some modification of language more happy in expressing the idea that the master might, for a limited time, and simply with a view to the good of the bondman, retain his legal power without a violation of that holy law which requires us to do unto another that which we would that he should do unto us. There is no repugnance between this position and the position that the system of slavery is wrong. If I am a slaveholder, and have used no vigorous and conscientious efforts to qualify my slaves for freedom, I have sinned; and if I now, earnestly and in good faith, set about the work of preparation, executing deeds of emancipation for my slaves, to take effect at a certain fixed period hereafter, by which period I may reasonably hope to be able to give them a suitable preparation—if I do all this, as duty requires—I do not expect my present conduct to cancel my past sin, but I do conceive that I am now making all the amends in my power. So far from sinning *now*, my present course is virtuous and praiseworthy. There are three classes on whom the guilt of slavery rests: those who introduced the system among us; those who have assisted to perpetuate it, either by actual efforts or by mere negligence; and those are now refusing to co-operate in its extermination. Thus, in asserting the sinfulness of slavery and the innocence of gradual emancipation, we do not commit the absurdity of asserting that there is sin, and yet that no one is guilty; we only assign the guilt to the real criminals. We shield the innocent from false imputation; we strike the serpent, while we spare the sufferer who is struggling in his coils.

"The difference, then, between the gradual emancipator and the abolitionist is not a difference as to the criminal nature of slavery—they agree in considering it an enormous evil—but it is a difference as to the best mode of getting rid of this evil. The gradualist terminates slavery by first changing the condition of his slaves into a kind of apprenticeship; he organizes them into a class of probationers for freedom. He still retains for a time his authority over them, but exercises it for their good as well as his own; and thus prepares them, as speedily as possible, for the enjoyment of self-government. The abolitionist would put an end to slavery by at once surrendering up to the slaves all his power over them; thus giving them the immediate and full enjoyment of absolute freedom. It seems strange that a reasonable and unprejudiced mind could hesitate for a moment in deciding against the latter plan. An uneducated slave is little better than an infant with the stature of a man. To vest such a being with the power of absolute and uncontrolled self-government, is fraught not only with mischief to others around him, but with almost certain destruction to himself and misery to his offspring."—*See African Colonization Repository*, April, 1835.

REV. ROBERT J. BRECKENRIDGE.

*An Address delivered by Rev. R. J. Breckenridge, of Ky., before the Colonization Society of Kentucky, at Frankfort, on the 6th day of January, 1831.*

When the great Lawgiver of the Jews was perfecting that remarkable feature of his code, by which, at the end of every seven years, the debtor, the servant, and the oppressed, among the Hebrews, were to go out free among their brethren, he enforced its observance by the most striking and personal of all arguments: "Thou shalt remember that thou wast a bondman in the land of Egypt, and the Lord thy God redeemed thee." Again, after the lapse of a thousand years, when Israel was shorn of all her temporal glories, and the feeble remnant that gathered out of all the East around the sceptre of the house of David was restored from a long and grievous captivity, it was among the first and most solemn exclamations of their gratitude: "We were bondmen, yet our God hath not forsaken us in our bondage."

If there be any that now hear my voice who have aided in working out the civil redemption of this large empire; if there be any whose kindred have poured out their blood in achieving the glories which have fallen upon us; if there be any who cherish the high exploits of our mighty ancestors, and cultivate an unquenching love for the free and noble institutions which have descended to us, I beseech them to couple with the lofty emotions belonging to such scenes, the solemn recollection, that "we were bondmen." If any who hear me have been led, by the power of the everlasting God, into the liberty of his own sons, and who, rejoicing in the hope of eternal life, look back upon the bondage out of which their souls have been redeemed, with unutterable gratitude to Him who gave himself for them, I pray them to bring to the discussion which lies before us those feelings which are produced by the deep and sacred assurance, that "our God hath not forsaken us in our bondage."

And will He not remember others also? We have his own assurance, that "Ethiopia shall soon stretch out her hands unto God." Will his justice sleep forever? Will he not "behold the tears of such as are oppressed?" Will he not "judge the poor?" Will he not "save the children of the needy?" Will he not "break in pieces the oppressor?" The forsaken, the afflicted, the smitten of men, will he also utterly cast off? And who shall stand in the way of his righteous indignation? Who shall resist the stroke of his Almighty arm, or shield us from his fierce and consuming wrath? Alas! for that people, who, resisting all the lessons of a wise experience, blind to the unchanging course of the providence of God, and deaf to the continual admonitions of his eternal Word, will madly elect to brave the fury of his just and full retribution! "Because I have called, and ye refused; I have stretched out my hand, and no man regarded;

' but ye have set at nought all my counsel, and  
' would none of my reproofs; I also will laugh  
' at your calamity; I will mock when your fear  
' cometh; when your fear cometh as desola-  
' tion, and your destruction cometh as a whirl-  
' wind; when distress and anguish cometh  
' upon you: Then shall they seek me, but  
' shall not find me."

The first settlements which were made by the English on the continent of North America were under the auspices of corporations, or individuals, to whom extensive grants had been made by the English Crown. The company that settled the colony of Virginia had monopolized its commerce up to the year 1620. In that year this monopoly was given up, and the trade opened. A Dutch vessel from the coast of Guinea, availing itself of the commercial liberty which prevailed, brought into James river twenty Africans, who were immediately purchased as slaves. An ordinance that all heathen persons might be held as slaves, and that their descendants, though Christians, might be continued in slavery, sealed on this continent the doom of the wretched African. Such was the inception of slavery in the United States. Such was the first settlement among us of an oppressed and suffering race, which has augmented by a very rapid propagation and continual importation, in somewhat more than two centuries, from twenty souls to two millions. Virginia, the most ancient of our Commonwealths, was the first of them to lend herself to the oppression of these unhappy men. Holland, who had, within forty years, emancipated herself from a foreign despotism, used the large resources which grew up under the shade of her recovered liberty, to deliver up an offending people to hopeless bondage; and that the climax of cupidity and turpitude might be aptly adjusted, the whole matter was concluded in the name of Christianity.

Men were not so slow in discovering the evils of the unnatural condition of society, whose origin among us I have been attempting to disclose. As early as 1698, a settlement of Quakers, near Germantown, in Pennsylvania, publicly expressed their opinion of the unrighteousness of human bondage. And from that day till the present, there have flourished in our country men of large and just views, who have not ceased to pour over this subject a stream of clear and noble truth, and to importune their country, by every motive of duty and advantage, to wipe from her escutcheon the stain of human tears. They have not lived in vain. In better times their counsels will be heard. When the day comes, and come it surely will, when, throughout this broad empire not an aspiration shall go up to the throne of God, that does not emanate from a freeman's heart, they will live in story, the apostles of that hallowed reign of peace; and men will quote their names to adorn the highest lessons of wisdom, and enforce, by great examples, the practice of high and vir-

tuous actions.—See *African (Colonization) Repository*, August, 1831.—

#### GEN. ROBERT GOODLOE HARPER.

*Extract of a letter from General Robert Goodloe Harper, of Md., to Elias B. Caldwell, Secretary of the American Colonization Society, dated Baltimore, August 20, 1817.—See First Annual Report of the Society.*

[General Harper was a native of Granville county, North Carolina—emigrated to South Carolina at an early period of his life, and represented Charleston District in Congress. He afterwards settled in Baltimore, married the daughter of Charles Carroll, of Carrollton, and became a United States Senator from Maryland.]

Great, however, as the benefits are which we may thus promise ourselves from the colonization of the free people of color, by its tendency to prevent the discontent and corruption of our slaves, and to secure to them a better treatment, by rendering them more worthy of it, there is another advantage, infinitely greater in every point of view, to which it may lead the way. It tends, and may powerfully tend, to rid us, gradually and entirely, in the United States, of slaves and slavery; a great moral and political evil, of increasing virulence and extent, from which much mischief is now felt, and very great calamity in future is justly apprehended. It is in this point of view, I confess, that your scheme of colonization most strongly recommends itself, in my opinion, to attention and support. The alarming danger of cherishing in our bosom a distinct nation, which can never become incorporated with us, while it rapidly increases in numbers and improves in intelligence; learning from us the arts of peace and war, the secret of its own strength, and the talent of combining and directing its force—a nation which must ever be hostile to us, from feeling and interest, because it can never incorporate with us, nor participate in the advantages which we enjoy; the danger of such a nation in our bosom need not be pointed out to any reflecting mind. It speaks not only to our understandings, but to our very senses; and however it may be derided by some, or overlooked by others, who have not the ability or the time, or do not give themselves the trouble to reflect on and estimate properly the force and extent of those great moral and physical causes which prepare gradually, and at length bring forth, the most terrible convulsions in civil society, it will not be viewed without deep and awful apprehension by any who shall bring sound minds and some share of political knowledge and sagacity to the serious consideration of the subject. Such persons will give their most serious attention to any proposition which has for its object the eradication of this terrible mischief, lurking in our vitals. I shall presently have occasion to advert a little to

the manner in which your intended colony will conduce to this great end. It is therefore unnecessary to touch on it here. Indeed, it is too obvious to require much explanation.

But, independently of this view of the case, there is enough in the proposed measure to command our attention and support, on the score of benefit to ourselves.

No person who has seen the slaveholding States, and those where slavery does not exist, and has compared ever so slightly their condition and situation, can have failed to be struck with the vast difference in favor of the latter. This difference extends to everything, except only the character and manners of the most opulent and best-educated people. These are very much the same everywhere. But in population; in the general diffusion of wealth and comfort; in public and private improvements; in the education, manners, and mode of life, in the middle and laboring classes; in the face of the country; in roads, bridges, and inns; in schools and churches; in the general advancement of improvement and prosperity—there is no comparison. The change is seen the instant you cross the line which separates the country where there are slaves from that where there are none. Even in the same State, the parts where slaves most abound are uniformly the worst cultivated, the poorest, and the least populous; while wealth and improvement uniformly increase as the number of slaves in the country diminishes. I might prove and illustrate this position by many examples, drawn from a comparison of different States, as Maryland and Pennsylvania, and between different counties in the same State, as Charles county and Frederick, in Maryland; but it is unnecessary, because everybody who has seen the different parts of the country has been struck by this difference.

Whence does it arise? I answer, from this: that in one division of the country the land is cultivated by freemen, for their own benefit, and in the other almost entirely by slaves, for the benefit of their masters. It is the obvious interest of the first class of laborers to produce as much and consume as little as possible, and of the second class to consume as much and produce as little as possible. What the slave consumes is for himself; what he produces is for his master. All the time that he can withdraw from labor is gained to himself; all that he spends in labor is devoted to his master. All that the free laborer, on the contrary, can produce, is for himself; all that he can save, is so much added to his own stock. All the time that he loses from labor is his own loss.

This, if it were all, would probably be quite sufficient to account for the whole difference in question. But, unfortunately, it is far from being all. Another, and a still more injurious effect of slavery, remains to be considered.

Where the laboring class is composed wholly, or in a very considerable degree, of slaves, and of slaves distinguished from the free class by color, features, and origin, the ideas of labor and of slavery soon become connected in the

minds of the free class. This arises from that association of ideas which forms one of the characteristic features of the human mind, and with which every reflecting person is well acquainted. They who continually from their infancy see black slaves employed in labor, and forming by much the most numerous class of laborers, insensibly associate the ideas of labor and of slavery, and are almost irresistibly led to consider labor as a badge of slavery, and consequently as a degradation. To be idle, on the contrary, is in their view the mark and the privilege of freemen. The effect of this habitual feeling upon that class of free whites which ought to labor, and consequently upon their condition, and the general condition of the country, will be readily perceived by those who reflect on such subjects. It is seen in the vast difference between the laboring class of whites in the Southern and Middle, and those of the Northern and Eastern States. Why are the latter incomparably more industrious, more thriving, more orderly, more comfortably situated, than the former? The effect is obvious to all those who have travelled through the different parts of our country. What is the cause? It is found in the association between the idea of slavery and the idea of labor, and in the feeling produced by this association, that labor, the proper occupation of negro slaves, and especially agricultural labor, is degrading to a free white man.

Thus we see that, where slavery exists, the slave labors as little as possible, because all the time that he can withdraw from labor is saved to his own enjoyments; and consumes as much as possible, because what he consumes belongs to his master; while the free white man is insensibly but irresistibly led to regard labor, the occupation of slaves, as a degradation, and to avoid it as much as he can. The effect of these combined and powerful causes, steadily and constantly operating in the same direction, may easily be conceived. It is seen in the striking difference which exists between the slaveholding sections of our country and those where slavery is not permitted.

It is therefore obvious that a vast benefit would be conferred on the country, and especially on the slaveholding districts, if all the slave laborers could be gradually and imperceptibly withdrawn from cultivation, and their place supplied by free white laborers—I say gradually and imperceptibly, because, if it were possible to withdraw, suddenly and at once, so great a portion of the effective labor of the community as is now supplied by slaves, it would be productive of the most disastrous consequences. It would create an immense void, which could not be filled; it would impoverish a great part of the community, unhinge the whole frame of society in a large portion of the country, and probably end in the most destructive convulsions. But it is clearly impossible, and therefore we need not enlarge on the evils which it would produce.

But to accomplish this great and beneficial



change gradually and imperceptibly, to substitute a free white class of cultivators for the slaves, with the consent of the owners, by a slow but steady and certain operation, I hold to be as practicable as it would be beneficial; and I regard this scheme of colonization as the first step in that great enterprise.

This is what your society propose to accomplish. Their project therefore, if rightly formed and well conducted, will open the way for this more extensive and beneficial plan of removing, gradually and imperceptibly, but certainly, the whole colored population from the country, and leaving its place to be imperceptibly supplied, as it would necessarily be, by a class of free white cultivators. In every part of the country, this operation must necessarily be slow. In the Southern and Southwestern States it will be very long before it can be accomplished, and a very considerable time must probably elapse before it can even commence. It will begin first, and be first completed, in the Middle States, where the evils of slavery are most sensibly felt, the desire of getting rid of the slaves is already strong, and a greater facility exists of supplying their place by white cultivators. From thence it will gradually extend to the South and Southwest, till, by its steady, constant, and imperceptible operation, the evils of slavery shall be rooted out from every part of the United States, and the slaves themselves, and their posterity, shall be converted into a free, civilized, and great nation, in the country from which their progenitors were dragged, to be wretched themselves and a curse to the whites.

#### JOHN RANDOLPH.

*Report in the House of Representatives, by John Randolph, of Roanoke, as chairman of a Committee, in March, 1803.*

From the Convention held at Vincennes, in Indiana, by their President, and from the people of the Territory, a petition was presented to Congress, praying the suspension of the provision which prohibited slavery in that Territory. The report stated "that the rapid population of the State of Ohio sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of colonies in that region. That this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States; that the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants will, at no very distant day, find ample remuneration for a temporary privation of labor and emigration.—1 vol. *State Papers, Public Lands*, 160.

#### JAMES MADISON.

The United States having been the first to abolish, within the extent of their authority, the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves, and by punishing their citizens participating in the traffic, cannot but be gratified by the progress made by concurrent efforts of other nations towards a general suppression of so great an evil. They must feel, at the same time, the greater solicitude to give the fullest efficacy to their own regulations. With that view, the interposition of Congress appears to be required, by the violations and evasions which, it is suggested, are chargeable on unworthy citizens, who mingle in the slave trade under foreign flags, and with foreign ports; and by collusive importations of slaves into the United States, through adjoining ports and territories. I present the subject to Congress, with a full assurance of their disposition to apply all the remedy which can be afforded by an amendment of the law. The regulations which were intended to guard against abuses of a kindred character in the trade between the several States, ought also to be more effectual for their humane object.—*Message to Congress, Dec. 3, 1816.*

#### JAMES MONROE.

It is the cause of serious regret, that no arrangement has yet been finally concluded between the two Governments, to secure, by joint co-operation, the suppression of the slave trade. It was the object of the British Government, in the early stages of the negotiation, to adopt the plan for the suppression which should include the concession of the mutual right of search by the ships of war of each party, of the vessels of the other, for suspected offenders. This was objected to by this Government, on the principle that, as the right of search was the right of war of a belligerent towards a neutral power, it might have an ill effect to extend it, by treaty, to an offence that had been made comparatively mild, to a time of peace. Anxious, however, for the suppression of this trade, it was thought advisable, in compliance with a resolution of the House of Representatives, founded on an act of Congress, to propose to the British Government an expedient which should be free from that objection, and more effectual for the object, by making it piratical. In that mode, the enormity of the crime would place the offenders out of the protection of their Government, and involve no question of search, or other question, between the parties, touching their respective rights. It was believed, also, that it would completely suppress the trade in the vessels of both parties, and by their respective citizens and subjects, in those of other powers with whom, it was hoped, that the odium which would thereby be attached to it, would produce a corresponding arrangement, and, by means thereof, its entire extirpation forever. A convention to this effect was con-

cluded and signed in London, on the thirteenth day of March, one thousand eight hundred and twenty-four, by plenipotentiaries duly authorized by both Governments, to the ratification of which certain obstacles have arisen, which are not yet entirely removed. The difference between the parties still remaining has been reduced to a point not of sufficient magnitude, as is presumed, to be permitted to defeat an object so near to the heart of both nations, and so desirable to the friends of humanity throughout the world.—*Message to Congress, December 7, 1824.*

#### GENERAL JACKSON.

*The following is Gen. Jackson's Address to the "Men of Color," on the 18th December, 1814, at New Orleans:*

**SOLDIERS:** From the shores of Mobile I collected you to arms. I invited you to share in the perils and to divide the glory of your white countrymen. I expected much from you, for I was not uninformed of those qualities which must render you so formidable to an invading foe. I knew that you could endure hunger and thirst, and all the hardships of war. I knew that you loved the land of your nativity, and that, like ourselves, you had to defend all that is most dear to man—but you surpass my hopes. I have found in you, united to those qualities, that noble enthusiasm which impels to great deeds.

**Soldiers:** The President of the United States shall be informed of your conduct on the present occasion, and the voice of the Representatives of the American Nation shall applaud your valor, as your general now praises your ardor. The enemy is near; his "sails cover the lakes;" but the brave are united, and if he finds us contending among ourselves, it will be for the prize of valor, and fame, its noblest reward.

By command. THOS. L. BUTLER,  
Aid de Camp.

[See Niles's Register, Vol. VII, p. 346.]

#### ORDINANCE OF 1787.

While the Convention for drafting the Constitution of the United States was in session, in 1787, the Old Congress passed an ordinance abolishing slavery in the Northwestern Territory, and precluding its future introduction there. The first Congress under the new Constitution ratified this ordinance, by a special act. It received the approval of Washington, who was then fresh from the discussions of the Convention for drafting the Federal Constitution. The measure originated with Jefferson, and its ratification in the new Congress received the vote of every member except Mr. Yates, of New York, the entire Southern delegation voting for its adoption. By this ordinance, slavery was excluded from Ohio, Indiana, Illinois, Michigan, Wisconsin, and Iowa.

The series of articles is preceded by this preamble:

"And for extending the fundamental princi-

ples of civil and religious liberty, which form the basis whereon these Republics, their laws and Constitutions, are erected; to fix and establish those principles as the basis of all laws, Constitutions, and governments, which forever hereafter shall be formed in said Territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils, at as early a period as may be consistent with the general interest: Be it ordained and established," &c., &c.

Then follow the articles. The sixth is as follows:

"There shall be neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided, always,* That any person escaping into the same, from whom labor or service may be lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid."

#### JUDICIAL DECISIONS.

No case in England, says Judge McLean, appears to have been more thoroughly examined than that of Somerset. The judgment pronounced by Lord Mansfield was the judgment of the Court of King's Bench. The cause was argued at great length, and with great ability, by Hargrave and others, who stood among the most eminent counsel in England. It was held under advisement from term to term, and a due sense of its importance was felt and expressed by the Bench.

In giving the opinion of the court, Lord Mansfield said:

"The state of slavery is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by positive law, which preserves its force long after the reasons, occasion, and time itself, from whence it was created, is erased from the memory; it is of a nature that nothing can be suffered to support it but positive law."

In the case of Rankin v. Lydia, (2 A. K. Marshall's Rep.,) Judge Mills, speaking for the Court of Appeals of Kentucky, says: "In deciding the question, (of slavery,) we disclaim the influence of the principles of general liberty, which we all admire, and conceive it ought to be decided by the law as it is, and not as it ought to be. Slavery is sanctioned by the laws of this State, and the right to hold slaves under our municipal regulations is unquestionable. But we view this as a right existing by positive law of a municipal character, without foundation in the law of nature, or the unwritten and common law."

In the discussion of the power of Congress to govern a Territory, in the case of the Atlantic Insurance Company v. Canter, (1 Peters, 511; 7 Curtis, 685,) Chief Justice Marshall,

speaking for the court, said, in regard to the people of Florida, "they do not, however, participate in political power; they do not share in the Government till Florida shall become a State; in the mean time, Florida continues to be a Territory of the United States, governed by virtue of that clause in the Constitution which empowers Congress 'to make all needful rules and regulations respecting the territory or other property belonging to the United States.'"

And he adds, "perhaps the power of governing a Territory belonging to the United States, which has not, by becoming a State, acquired the means of self-government, may result necessarily from the fact that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory; whichever may be the source whence the power is derived, the possession of it is unquestioned." And in the close of the opinion, the court say, "in legislating for them, [the Territories,] Congress exercises the combined powers of the General and State Governments."

In the case of *Prigg v. The State of Pennsylvania*, the court says:

"By the general law of nations, no nation is bound to recognise the state of slavery as found within its territorial dominions, where it is in opposition to its own policy and institutions, in favor of the subjects of other nations where slavery is organized. If it does it, it is as a matter of comity, and not as a matter of international right. The state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of the territorial laws." And the court further says: "It is manifest, from this consideration, that if the Constitution had not contained the clause requiring the rendition of fugitives from labor, every non-slaveholding State in the Union would have been at liberty to have declared free all runaway slaves coming within its limits, and to have given them entire immunity and protection against the claims of their masters."

*Rachel v. Walker* (4 Missouri Rep., 350, June term, 1836) is a case involving, in every particular, the principles of the case before us. Rachel sued for her freedom; and it appeared that she had been bought as a slave in Missouri, by Stockton, an officer of the army, taken to Fort Snelling, where he was stationed, and she was retained there as a slave a year; and then Stockton removed to Prairie du Chien, taking Rachel with him as a slave, where he continued to hold her three years, and then he took her to the State of Missouri, and sold her as a slave.

"Fort Snelling was admitted to be on the west side of the Mississippi river, and north of the State of Missouri, in the territory of the United States. That Prairie du Chien was in the Michigan Territory, on the east side of the

Mississippi river. Walker, the defendant, held Rachel under Stockton."

The court said, in this case:

"The officer lived in Missouri Territory at the time he bought the slave; he sent to a slaveholding country and procured her; this was his voluntary act, done without any other reason than that of his convenience; and he and those claiming under him must be holden to abide the consequences of introducing slavery both in Missouri Territory and Michigan, contrary to law; and on that ground Rachel was declared to be entitled to freedom."

In answer to the argument that, as an officer of the army, the master had a right to take his slave into free territory, the court said no authority of law or the Government compelled him to keep the plaintiff there as a slave.

"Shall it be said, that because an officer of the army owns slaves in Virginia, that when, as an officer and soldier, he is required to take the command of a fort in the non-slaveholding States or Territories, he thereby has a right to take with him as many slaves as will suit his interests or convenience? It surely cannot be law. If this be true, the court say, then it is also true that the convenience or supposed convenience of the officer repeals, as to him and others who have the same character, the ordinance and the act of 1821, admitting Missouri into the Union, and also the prohibition of the several laws and Constitutions of the non-slaveholding States."

In the case of *Dred Scott v. Emerson*, (15 Missouri Rep., 682, March term, 1852,) two of the judges ruled the case, the Chief Justice dissenting.

Chief Justice Gamble dissented from the other two judges. He says:

"In every slaveholding State in the Union, the subject of emancipation is regulated by statute; and the forms are prescribed in which it shall be effected. Whenever the forms required by the laws of the State in which the master and slave are resident are complied with, the emancipation is complete, and the slave is free. If the right of the person thus emancipated is subsequently drawn in question in another State, it will be ascertained and determined by the law of the State in which the slave and his former master resided; and when it appears that such law has been complied with, the right to freedom will be fully sustained in the courts of all the slaveholding States, although the act of emancipation may not be in the form required by law in which the court sits.

"In all such cases, courts continually administer the law of the country where the right was acquired; and when that law becomes known to the court, it is just as much a matter of course to decide the rights of the parties according to its requirements, as it is to settle the title of real estate situated in our State by its own laws."

This appears to me a most satisfactory an-

swer to the argument of the court. Chief Justice continues:

"The perfect equality of the different States lies at the foundation of the Union. As the institution of slavery in the States is one over which the Constitution of the United States gives no power to the General Government, it is left to be adopted or rejected by the several States, as they think best; nor can any one State, or number of States, claim the right to interfere with any other State upon the question of admitting or excluding this institution.

"A citizen of Missouri, who removes with his slave to Illinois, has no right to complain that the fundamental law of that State to which he removes, and in which he makes his residence, dissolves the relation between him and his slave. It is as much his own voluntary act, as if he had executed a deed of emancipation. No one can pretend ignorance of this constitutional provision, and," he says, "the decisions which have heretofore been made in this State, and in many other slaveholding States, give effect to this and other similar provisions, on the ground that the master, by making the free State the residence of his slave, has submitted his right to the operation of the law of such State; and this," he says, "is the same in law as a regular deed of emancipation."

He adds:

"I regard the question as conclusively settled by the repeated adjudications of this court, and, if I doubted or denied the propriety of those decisions, I would not feel myself any more at liberty to overturn them, than I would any other series of decisions by which the law of any other question was settled. There is with me," he says, "nothing in the law relating to slavery which distinguishes it from the law on any other subject, or allows any more accommodation to the temporary public excitements which are gathered around it."

"In this State," he says, "it has been recognised from the beginning of the Government as a correct position in law, that a master who takes his slave to reside in a State or Territory where slavery is prohibited, thereby emancipates his slave."

In 1851, the Court of Appeals of South Carolina recognised the principle, that a slave, being taken to a free State, became free. (*Commonwealth v. Pleasants*, 10 Leigh Rep., 697.) In *Betty v. Horton*, the Court of Appeals held that the freedom of the slave was acquired by the action of the laws of Massachusetts, by the said slave being taken there. (5 Leigh R., 615.)

In the case of *Spencer v. Negro Dennis*, (8 Gill's Rep., 321,) the court say: "Once free, and always free, is the maxim of Maryland law upon the subject. Freedom having once vested, by no compact between the master and the liberated slave, nor by any condition subsequent, attached by the master to the gift of freedom, can a state of slavery be reproduced."

In *Hunter v. Bulcher*, (1 Leigh, 172:)

"By a statute of Maryland of 1796, all slaves

brought into that State to reside are declared free; a Virginian-born slave is carried by his master to Maryland; the master settled there, and keeps the slave there in bondage for twelve years, the statute in force all the time; then he brings him as a slave to Virginia, and sells him there. Adjudged, in an action brought by the man against the purchaser, that he is free."

Judge Kerr, in the case, says:

"Agreeing, as I do, with the general view taken in this case by my brother Green, I would not add a word, but to mark the exact extent to which I mean to go. The law of Maryland having enacted that slaves carried into that State for sale or to reside shall be free, and the owner of the slave here having carried him to Maryland, and voluntarily submitting himself and the slave to that law, it governs the case."

*Josephine v. Poultney*, (Louisiana An. Rep., 329,) "where the owner removes with a slave into a State in which slavery is prohibited; with the intention of residing there, the slave will be thereby emancipated, and their subsequent return to the State of Louisiana cannot restore the relation of master and slave." To the same import are the cases of *Smith v. Smith*, (13 Louisiana Rep., 441,) *Thomas v. Generis*, (Louisiana Rep., 483,) *Harry et al. v. Decker and Hopkins*, (Walker's Mississippi Rep., 36.) It was held that "slaves within the jurisdiction of the Northwestern Territory became freemen by virtue of the Ordinance of 1787, and can assert their claim to freedom in the courts of Mississippi." (*Griffith v. Fanny*, 1 Virginia Rep., 143.) It was decided that a negro held in servitude in Ohio, under a deed executed in Virginia, is entitled to freedom by the Constitution of Ohio.

The case of *Rhodes v. Bell* (2 Howard, 307; 15 Curtis, 152) involved the main principle in the case before us. A person residing in Washington city purchased a slave in Alexandria, and brought him to Washington. Washington continued under the law of Maryland, Alexandria under the law of Virginia. The act of Maryland of November, 1796, (2 Maxcy's Laws, 351,) declared any one who shall bring any negro, mulatto, or other slave, into Maryland, such slave should be free. The above slave, by reason of his being brought into Washington city, was declared by this court to be free. This, it appears to me, is a much stronger case against the slave than the facts in the case of *Scott*.

In *Bush v. White*, (3 Monroe, 104,) the court say:

"That the ordinance was paramount to the Territorial laws, and restrained the legislative power there as effectually as a Constitution in an organized State. It was a public act of the Legislature of the Union, and a part of the supreme law of the land; and, as such, this court is as much bound to take notice of it as it can be of any other law."

In the case of *Rankin v. Lydia*, before cited, Judge Mills, speaking for the Court of Appeals of Kentucky, says:

"If, by the positive provision in our code, we can and must hold our slaves in the one case, and statutory provisions equally positive decide against that right in the other, and liberate the slave, he must, by an authority equally imperious, be declared free. Every argument which supports the right of the master on one side, based upon the force of written law, must be equally conclusive in favor of the slave, when he can point out in the statute the clause which secures his freedom."

And he further said:

"Free people of color in all the States are, it is believed, quasi citizens, or, at least, denizens. Although none of the States may allow them the privilege of office and suffrage, yet all other civil and conventional rights are secured to them; at least, such rights were evidently secured to them by the ordinance in question for the government of Indiana. If these rights are vested in that or any other portion of the United States, can it be compatible with the spirit of our Confederate Government to deny their existence in any other part? Is there less comity existing between State and State, or State and Territory, than exists between the despotic Governments of Europe?"

The Supreme Court of North Carolina, in the case of the *State v. Manuel*, (4 Dev. and Bat., 20,) has declared the law of that State on this subject, in terms which I believe to be as sound law in the other States I have enumerated, as it was in North Carolina.

"According to the laws of this State," says Judge Gaston, in delivering the opinion of the court, "all human beings within it, who are not slaves, fall within one of two classes. Whatever distinctions may have existed in the Roman laws between citizens and free inhabitants, they are unknown to our institutions. Before our Revolution, all free persons born within the dominions of the King of Great Britain, whatever their color or complexion, were native-born British subjects—those born out of his allegiance were aliens. Slavery did not exist in England, but it did in the British colonies. Slaves were not in legal parlance persons, but property. The moment the incapacity, the disqualification of slavery, was removed, they became persons, and were then either British subjects, or not British subjects, according as they were or were not born within the allegiance of the British King. Upon the Revolution, no other change took place in the laws of North Carolina than was consequent on the transition from a colony dependent on a European King, to a free and sovereign State. Slaves remained slaves. British subjects in North Carolina became North Carolina freemen. Foreigners, until made members of the State, remained aliens. Slaves, manumitted here, became freemen, and therefore, if born within North Carolina, are citizens of North

Carolina, and all free persons born within the State are born citizens of the State. The Constitution extended the elective franchise to every freeman who had arrived at the age of twenty-one, and paid a public tax; and it is a matter of universal notoriety, that, under it, free persons, without regard to color, claimed and exercised the franchise, until it was taken from the free men of color a few years since by our amended Constitution."

In the *State v. Newcomb*, (5 Iredell's R., 253,) decided in 1844, the same court referred to this case of the *State v. Manuel*, and said: "That case underwent a very laborious investigation, both by the bar and the bench. The case was brought here by appeal, and was felt to be one of great importance in principle. It was considered with an anxiety and care worthy of the principle involved, and which give it a controlling influence and authority on all questions of a similar character."

The act of February 28, 1803, (2 Stat. at Large, 205,) to prevent the importation of certain persons into States, when by the laws thereof their admission is prohibited, in its first section forbids all masters of vessels to import or bring "any negro, mulatto, or other person of color, not being a native, a citizen, or registered seaman of the United States," &c.

The Constitution of Missouri, under which that State applied for admission into the Union, provided, that it should be the duty of the Legislature "to pass laws to prevent free negroes and mulattoes from coming to and settling in the State, under any pretext whatever." One ground of objection to the admission of the State under this Constitution was, that it would require the Legislature to exclude free persons of color, who would be entitled, under the second section of the fourth article of the Constitution, not only to come within the State, but to enjoy there the privileges and immunities of citizens. The resolution of Congress admitting the State was upon the fundamental condition, "that the Constitution of Missouri shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States."

In *Fulton v. Lewis*, (3 Harris and Johnson,) a case in the Court of Appeals in Maryland:

"At the trial, the following facts were admitted in evidence: John Levant, a married man, being a native and resident of the Island of St. Domingo, removed from that place in July, 1793, flying from disturbances which then existed there, endangering the lives and property of the inhabitants, and brought with him into this State three negroes, of whom the petitioner (now appellee) is one, who he then and before owned as a slave. That in May, 1794, he sold the petitioner, as a slave,

to William Clemm, who sold him as such to the defendant, (the appellant.) That said Levant arrived in Baltimore in August, 1793, and continued to reside there until some time in 1796, when he returned to the West Indies. The defendant thereupon prayed the direction of the court to the jury, that if they believed the facts, the petitioner was not entitled to his freedom. This opinion the court [Scott, C. J.] refused to give, but directed the jury that upon these facts the petitioner was free. The defendant excepted; and the verdict and judgment being against him, he appealed to this court, where the case was argued before Chase, Chief Justice, and Buchanan, Nicholson, Earle, Johnson, and Martin, Justices.

"Glenn, for the appellant, contended that the act of 1783, ch. 23, under which the petitioner claimed his freedom, meant only a voluntary importation of slaves, and not an importation arising from absolute necessity, produced by causes over which the owner, as in this case, had and could have no control."

#### HENRY CLAY.

*An Address delivered to the Colonization Society of Kentucky, at Frankfort, December 17, 1829, by the Hon. Henry Clay, at the request of the Board of Managers.—[Extracts.]*

The African part of our population, or their ancestors, were brought hither forcibly and by violence, in the prosecution of the most abominable traffic that ever disgraced the annals of the human race. They were chiefly procured, in their native country, as captives in war, taken, and subsequently sold by the conqueror, as slaves, to the slave trader. Sometimes the most atrocious practices of kidnapping were employed to obtain possession of the victims. Wars were frequent between numerous and barbarous neighboring tribes scattered along the coast or stretched upon the margin of large rivers of Africa. These wars were often enkindled and prosecuted for no other object than to obtain a supply of subjects for this most shocking commerce. In these modes, husbands were torn from their wives, parents from their children, brethren from each other, and every tie cherished and respected among men was violated. Upon the arrival, at the African coast, of the unfortunate beings thus reduced to slavery, they were embarked on board of ships carefully constructed and arranged to contain the greatest amount of human beings. Here they were ironed and fastened in parallel rows, and crowded together so closely, in loathsome holes, as not to have room for action or for breathing wholesome air. The great aim was to transport the largest possible number, at the least possible charge, from their native land to the markets for which they were destined. The greediness of cupidity was frequently disappointed and punished in its purposes, by the loss of moieties of whole cargoes of the subjects of this infamous commerce, from want and suffering and disease on the voyage. How much happier were they

who thus expired, than their miserable survivors!

The United States, as a nation, are not responsible for the original introduction or the subsequent continuance of the slave trade. Whenever, as has often happened, their character has been assailed in foreign countries, and by foreign writers, on account of the institution of slavery among us, the justness of that vindication has been admitted by the candid, which transfers to a foreign Government the origin of the evil. Nor are the United States, as a sovereign Power, responsible for the continuance of slavery within their limits, posterior to the establishment of their Independence; because by neither the Articles of Confederation, nor by the present Constitution, had they power to put an end to it by the adoption of any system of emancipation. But from that epoch, the responsibility of the several States in which slavery was tolerated commenced, and on them devolved the momentous duty of considering whether the evil of African slavery is incurable, or admits of a safe and practical remedy. In performing it, they ought to reflect that, if when a given remedy is presented to their acceptance, instead of a due examination and deliberate consideration of it, they promptly reject it, and manifest an impatience whenever a suggestion is made of any plan to remove the evil, they will expose themselves to the reproach of yielding to the illusions of self-interest, and of insincerity in the professions which they so often make of a desire to get rid of slavery. It is a great misfortune, growing out of the actual condition of the several States, some being exempt, and others liable to this evil, that they are too prone to misinterpret the views and wishes of each other in respect to it.

The several States of the Union were sensible of the responsibility which accrued to them, on the establishment of the Independence of the United States, in regard to the subject of slavery. And many of them, beginning at a period prior to the termination of the Revolutionary war, by successive but distinct acts of legislation, have effectively provided for the abolition of slavery within their respective jurisdictions. More than thirty years ago, an attempt was made, in this Commonwealth, to adopt a system of gradual emancipation, similar to that which the illustrious Franklin had mainly contributed to introduce, in the year 1779, in the State founded by the benevolent Penn. And, among the acts of my life, which I look back to with most satisfaction, is that of my having co-operated with other zealous and intelligent friends, to procure the establishment of that system in this State. We believed that the sum of good which would have been attained by the State of Kentucky, in a gradual emancipation of her slaves, at that period, would have far transcended the aggregate of mischief which might have resulted to herself and the Union together, from the gradual liberation of them, and their dispersion and residence in the United States.



We were overpowered by numbers, but submitted to the decision of the majority with the grace which the minority, in a Republic, should ever yield to such a decision. I have, nevertheless, never ceased, and shall never cease, to regret a decision, the effects of which have been to place us in the rear of our neighbors, who are exempt from slavery, in the state of agriculture, the progress of manufactures, the advance of improvement, and the general prosperity of society.

As a mere laborer, the slave feels that he toils for his master, and not for himself; that the laws do not recognise his capacity to acquire and hold property, which depends altogether upon the pleasure of his proprietor; and that all the fruits of his exertions are reaped by others. He knows that, whether sick or well, in times of scarcity or abundance, his master is bound to provide for him, by the all-powerful influence of the motive of self-interest. He is generally, therefore, indifferent to the adverse or prosperous fortunes of his master, being contented, if he can escape his displeasure or chastisement, by a careless and slovenly performance of his duties.

\* \* \* This competition, and the preference for white labor, are believed to be already discernible in parts of Maryland, Virginia, and Kentucky, and probably existed in Pennsylvania and other States north of Maryland, prior to the disappearance of slaves from among them. The march of the ascendancy of free labor over slave, will proceed from the North to the South, gradually entering first the States nearest to the free region. Its progress would be more rapid, if it were not impeded by the check resulting from the repugnance of the white man to work among slaves, or where slavery is tolerated.—*See African (Colonization) Repository, March. 1830.*

*Extract from Mr. Clay's Speech before the American Colonization Society, January, 1827.—See Tenth Annual Report.*

We are reproached with doing mischief by the agitation of this question. The society goes into no household to disturb its domestic tranquillity; it addresses itself to no slaves, to weaken their obligations of obedience. It seeks to affect no man's property. It neither has the power nor the will to affect the property of any one, contrary to his consent. The execution of its scheme would augment, instead of diminishing, the value of the property left behind. The society, composed of free men, concerns itself only with the free. Collateral consequences, we are not responsible for. It is not this society which has produced the great moral revolution which the age exhibits. What would they, who thus reproach us, have done? If they would repress all tendencies towards Liberty and ultimate emancipation, they must do more than put down the benevolent efforts of this society. They must go back to the era of our Liberty and Independence, and muzzle the cannon which thunders its annual joyous return. They must revive the

slave trade, with all its train of atrocities. They must suppress the workings of British philanthropy, seeking to ameliorate the condition of the unfortunate West Indian slaves. They must arrest the career of South American deliverance from thralldom. They must blow out the moral lights around us, and extinguish that greatest torch of all, which America presents to a benighted world, pointing the way to their rights, their liberties, and their happiness. And when they have achieved all these purposes, their work will be yet incomplete. They must penetrate the human soul, and eradicate the light of reason and the love of liberty. Then, and not till then, when universal darkness and despair prevail, can you perpetuate slavery, and repress all sympathies and all humane and benevolent efforts among freemen, in behalf of the unhappy portion of our race who are doomed to bondage.

Our friends, who are cursed with this greatest of human evils, deserve the kindest attention and consideration. Their property and their safety are both involved. But the liberal and candid among them will not, cannot, expect that every project to deliver our country from it is to be crushed, because of a possible and ideal danger.

#### HON. BUSHROD WASHINGTON.

The effect of this institution, if its prosperity shall equal our wishes, will be alike propitious to every interest of our domestic society; and should it lead, as we may fairly hope it will, to the slow but gradual abolition of slavery, it will wipe from our political institutions the only blot which stains them; and, in palliation of which, we shall not be at liberty to plead the excuse of moral necessity, until we shall have honestly exerted all the means which we possess for its extinction.—*See First Annual Report of the Colonization Society.*

#### WILLIAM H. FITZHUGH, Esq.

*Extracts from a letter from William H. Fitzhugh, Esq., of Virginia, to a gentleman of New York, dated Ravensworth, August 11th, 1826.*

Our design was, by providing an asylum on the coast of Africa, and furnishing the necessary facilities for removal to the people of color, to induce the voluntary emigration of that portion of them already free, and to throw open to individuals and the States a wider door for voluntary and legal emancipation. The operation, we were aware, must be — and, for the interests of our country, ought to be — gradual. But we entertained a hope, founded on our knowledge of the interests as well as the feelings of the South, that this operation, properly conducted, would, in the end, remove from our country every vestige of domestic slavery, without a single violation of individual wishes or individual rights. \* \* \*

The Colonization Society has distinctly designated the extent to which it seeks the interposition of the Government of the country. It asks only the provisions of a place and

a Government for the reception and protection of such persons of color as are already free, *and such others as the humanity of individuals, and the laws of the different States, may hereafter liberate* — the necessary encouragement to, and the necessary facilities for, emigration — and, as occasion may require it, *pecuniary aids to the States, for effecting, in such modes as they may choose, the extinction of slavery within their respective limits.* Such, and such only, is the interference asked. \* \* \*

But whence, it may be asked, is derived the proposed authority "to afford encouragement to, and facilities for, emigration," and "pecuniary aids to the States for effecting the extinction of slavery within their respective limits?" From the very same source, I answer, whence springs the whole power of appropriation; from the authority "to lay and collect taxes, duties, imposts, to pay the debts and provide for the common defence and general welfare of the country," and an authority, evidently imposing no other limitation on the power of appropriation, than that it be applied exclusively to promoting the general interests of the nation; and it accordingly may be, and under every Administration has been, used in aiding the accomplishment of objects not within the reach of the other specified powers of the Government. It is on this principle that large sums have been voted, at different times, for making roads and canals, for ameliorating the condition of the Indians, for giving relief to the inhabitants of Caracas, for restoring captured Africans to their homes, for suppressing the slave trade, and, above all, for evincing the nation's gratitude to Gen. Lafayette. None of these different acts can be brought within the enumerated powers of the Government. And if its revenue is to be expended only in sustaining these powers, not only must the acts in question, but a very large proportion of the numerous acts on our statute book, involving expenditure, be pronounced violations of the constitutional charter.—*See African (Colonization) Repository, October, 1826.*

#### MR. MONROE.

*Extract from a speech of Ex-President Monroe, delivered in the Virginia State Convention for altering the Constitution, Nov. 2d, 1829.*

"What has been the leading spirit of this State, ever since our independence was obtained? She has always declared herself in favor of the equal rights of man. The revolution was conducted on that principle. Yet there was at that time a slavish population in Virginia. We hold it in the condition in which the Revolution found it, and what can be done with this population? If they were extinct, or had not been here, white persons would occupy their place, and perform all the offices now performed by them, and consequently be represented. If the white people were not taxed, they also would be free from taxation. If you set them free, look at the condition of society. Emancipate them, and

what would be their condition? Four hundred thousand, or a greater number, of poor, without one cent of property, what would become of them? Disorganization would follow, and perfect confusion. They are separated from the rest of society by a different color; there can be no intercourse of equality between them; nor can you remove them. How is it practicable? The thing is impossible, and they must remain as poor, free from the control of their masters, and must soon fall upon the rest of society, and resort to plunder for subsistence. As to the practicability of emancipating them, it can never be done by the State itself, nor without the aid of the Union. And what would be their condition, supposing they were emancipated, and not removed beyond the limits of the Union? The experiment has in part been tried. They have emigrated to Pennsylvania in great numbers, and form a part of the population of Philadelphia, and likewise of New York and Boston. But those who were the most ardent advocates of emancipation, in those portions of the Union, have been shocked at the charges of maintaining them, as well as at the effect of their example. Nay, sir, look at Ohio, and what has she recently done? Ohio acknowledges the equal rights of all, yet she has driven them off from her territory. She has been obliged to do it. If emancipation be possible, I look to the Union to aid in effecting it.

"Sir, what brought us together in the revolutionary war? It was the doctrine of equal rights. Each part of the country encouraged and supported every other part of it. None took advantage of the others' distresses. And if we find that this evil has preyed upon the vitals of the Union, and has been prejudicial to all the States where it has existed, *and is likewise repugnant to their several State Constitutions and Bills of Rights*, why may we not expect that they will unite with us in accomplishing its removal? If we make the attempt, and cannot accomplish it, the effect will at least be to abate the great number of petitions and memorials which are continually pouring in upon the Government. This matter is before the nation, and the principles and consequences involved in it are of the highest importance. But, in the mean while, self-preservation demands of us union in our councils.

"What was the origin of our slave population? The evil commenced when we were in our colonial state, but acts were passed by our Colonial Legislature, prohibiting the importation of more slaves into the colony. These were rejected by the Crown. We declared our independence, and the prohibition of a further importation was among the first acts of State sovereignty. Virginia was the first State which instructed her delegates to declare the Colonies independent. She braved all dangers. From Quebec to Boston, and from Boston to Savannah, Virginia shed the blood of her sons. No imputation, then, can be cast upon her in this matter. *She did all that was in her power to do, to prevent the extension of slavery, and to*

*mitigate its evils.*"—See *Debates of the Convention*, page 149.

Mr. Benj. Watkins Leigh said: \* \* \* "Sir, the venerable gentleman from Loudoun (Mr. Monroe) spoke of the impracticability of any scheme of emancipation without the aid of the General Government. Is he, then, and if he is, are we reconciled to the idea of the interference of the General Government in this most delicate and peculiar interest of our own? What right can that Government have to interfere in it?"

Mr. Monroe here explained.

"I consider the question of slavery as one of the most important that can come before this body; it is certainly one which must deeply affect the Commonwealth, whether the decision be to maintain it over those now in that state, or to attempt their emancipation. The idea I meant to suggest was, that the subject had assumed a new and very important character, by what had occurred in the other States, and particularly in those in which slavery does not exist. We had seen in the early stage a strong pressure for emancipation from the Eastern States, and equally so, of late, from the States in the West; but emancipation had thrown many of our liberated slaves upon them; in consequence of which, they have been driven back, and all interference on their part has ceased.

"The subject is now brought home to them as well as to ourselves; and the question to be decided by us is, whether their emancipation is practicable or not. Should the decision be that it was practicable, I did not mean to convey the idea that the United States should interfere, of right, as is advocated by many. I meant to suggest, that if the wisdom of Virginia should decide that it was practicable, and invite the aid of the General Government, that it should then be afforded at her instance, and not that of the United States, as having the least authority in the matter."

Mr. Leigh: "I thank the gentleman for his explanation."—See *Debates in Convention*, page 172-'3.

I find the following in the proceedings of the Convention, which may throw some light on the question of free negro citizenship. It occurs in the proceedings of Friday, December 18, 1829:—

"The third resolution as amended in the House yesterday, on Mr. Leigh's motion, was next read, in the words following:

"Every male citizen of the Commonwealth, 'resident therein, aged twenty-one years and upwards, other than free negroes and mulattoes,' &c., &c.

[This resolution was adopted; but those who voted against it did so without reference to the above phraseology.]

The subject of slavery was only discussed incidentally during the deliberations of the Convention, and mainly in reference to the

basis of representation. The Eastern members insisted on the representation of slaves as persons or property, while those from the West favored the white basis, but denied that the West was disposed to interfere with slave property. Several members incidentally expressed sentiments adverse to slavery; but I find no passage of marked interest, except the preceding from Mr. Monroe.

PATRICK HENRY.

HANOVER, Jan. 18, 1779.

DEAR SIR: I take this opportunity to acknowledge the receipt of Anthony Benezet's book against the slave trade. I thank you for it. It is not a little surprising, that the professors of Christianity, whose chief excellence consists in softening the human heart, in cherishing and improving its finer feelings, should encourage a practice so totally repugnant to the first impressions of right and wrong. What adds to the wonder is, that this abominable practice has been introduced in the most enlightened ages. Times that seem to have pretensions to boast of high improvements in the arts and sciences, and refined morality, have brought into general use, and guarded by many laws, a species of violence and tyranny, which our more rude and barbarous, but more honest ancestors, detested. Is it not amazing, that at a time when the rights of humanity are defined and understood with precision in a country, above all others, fond of liberty, that in such an age, and in such a country, we find men professing a religion the most humane, mild, gentle and generous, adopting a principle as repugnant to humanity as it is inconsistent with the Bible and destructive to liberty? Every thinking, honest man rejects it in speculation; how few in practice, from conscientious motives!

Would any one believe that I am master of slaves, of my own purchase? I am drawn along by the general inconvenience of living here without them. I will not, I cannot justify it. However culpable my conduct, I will so far pay my devoir to Virtue, as to own the excellence and rectitude of her precepts, and lament my want of conformity to them.

*I believe a time will come, when an opportunity will be offered to abolish this lamentable evil.* Everything we can do is to improve it, if it happens in our day; if not, let us transmit to our descendants, together with our slaves, a pity for their unhappy lot, and our abhorrence for slavery. If we cannot reduce this wished-for reformation to practice, let us treat the unhappy victims with lenity. It is the furthestmost advance we can make towards justice; it is a debt we owe to the purity of our religion, to show that it is at variance with that law which warrants slavery. I know not where to stop. I could say many things on the subject, a serious view of which gives a gloomy perspective to future times.—*Letter to Robert Pleasants.*

# INDEX.

The Slave Trade condemned by the people of the South in County and State Conventions, and by the Continental Congress,.....	PAGES. 3, 4, 5	Richmond Enquirer,.....	43
The Writings of Washington,.....	5, 6, 7, 8	Mr. Moore, of Rockbridge,.....	43
Dr. Franklin on Slavery,.....	8, 9, 10, 38, 39	Mr. Rives, of Campbell,.....	44
Thos. Jefferson on Slavery,.....	10, 29—37	Mr. Powell,.....	44
Mr. Chase, of Maryland,.....	11	Mr. Preston,.....	44
John Adams, of Massachusetts,.....	11	Mr. Summers, of Kanawha,.....	44
Mr. Wilson, of Pennsylvania,.....	11, 17, 19, 27	Mr. Chandler, of Norfolk,.....	44
Mr. Madison, 12, 13, 18, 19, 22, 24, 25, 38, 39, 71		Mr. Thomas J. Randolph, of Albemarle,....	46
Rufus King,.....	13, 14	Mr. Henry Berry, of Jefferson,.....	46
Gouverneur Morris, of Penn.,.....	14, 15, 18, 19	Mr. Thomas Marshall, of Fauquier,.....	47
Edmund Randolph, of Va., 14, 17, 19, 20, 25		Mr. James McDowell, of Rockbridge,.....	47
Roger Sherman, of Connecticut, 14, 16, 18, 19		Mr. Philip A. Bolling, of Buckingham,....	49
Luther Martin, of Maryland,.....	15	Gen. Brodnax, of Dinwiddie, .....	49
Col. George Mason, of Va., 16, 18, 20, 21, 23		Hon. Charles J. Faulkner,.....	50—54
Mr. Dickinson, of Pennsylvania,.....	17, 18, 19	Nashville (Tenn.) Banner,.....	54
Mr. Langdon, of New Hampshire,.....	17	Nashville (Tenn.) Republican,.....	54
Mr. Williamson, of North Carolina,.....	18	State Convention of Tennessee,.....	54
Mr. Lee, of Westmoreland,.....	20	Mr. Stephenson, of Tennessee,.....	54
Mr. Pendleton, of Va.,.....	20	Mr. Laughlin, of Tennessee,.....	54, 55
Patrick Henry,.....	20, 21, 22, 23, 24, 79	Protest against non-action, (Tenn.).....	54, 55
George Nicholas,.....	21, 23	St. George Tucker, of Virginia,.....	55
Mr. Tyler, of Virginia,.....	22	Henry Clay,.....	55—59, 76
Mr. McDowell, of North Carolina,.....	26	William Pinkney, of Maryland,.....	60—62
Mr. Iredell, of North Carolina,.....	26, 27	General Lafayette,.....	63, 64
Mr. Wright, of North Carolina,.....	26	G. W. P. Custis,.....	63, 64
Mr. Galloway, of North Carolina,.....	26	Bishop Meade, of Virginia,.....	64
Mr. Gaston, of North Carolina,.....	37	Presbyterian Church on Slavery,.....	65
Mr. Parker, of Virginia,.....	38	Delaware Colonization Society,.....	66
Memorial from Pennsylvania Abolition Society,.....	38, 40, 41, 42	Norfolk, Va., Colonization Society,.....	66
Mr. Seney, of Maryland,.....	39	Hon. Francis S. Key,.....	67
Mr. Page, of Virginia,.....	39, 41	President Young, of Transylvania Col- lege,.....	67
Report of the House of Representatives, 40, 41		Rev. Robert J. Breckenridge, Ky.,.....	68
Mr. White, of Virginia,.....	40	Gen. Robert Goodloe Harper, of Md.,.....	69
Mr. Vining, of Delaware,.....	41	John Randolph, of Roanoke,.....	71
Quaker Memorial,.....	41	President Monroe,.....	71, 78
Debate on Emancipation in the Virginia Legislature in 1832,.....	42	General Jackson,.....	72
		Ordinance of 1787,.....	72
		Judicial Decisions,.....	72
		Judge Bushrod Washington,.....	77
		William H. Fitzhugh, Esq., of Va.,.....	77

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